

No. 144.

New Zealand, No. 103.

MY LORD,—

Downing Street, 16th March, 1911.

I have the honour to transmit to you, to be laid before your Ministers, the accompanying copy of a letter from the Public Trustee, in which he suggests that letters of administration should be issued to him in appropriate cases without requiring him to give surety for the administration of the estate.

2. I enclose also the accompanying copy of the Public Trustee Act, 1906, from which will be seen the powers and duties of the Trustee. Under section 7 of the Act the Consolidated Fund of the United Kingdom is liable to make good all sums required to discharge the liabilities of the Public Trustee.

3. I shall be glad if your Ministers will take the request of the Public Trustee into their consideration, and if you will report to me their decision in due course.

I have, &c.,

L. HARCOURT.

Governor the Right Hon. Lord Islington, K.C.M.G., D.S.O., &c.

Enclosure.

Public Trustee Office, 3 and 4 Clements Inn,

SIR,—

Strand, W.C., 22nd February, 1911.

Adverting to the interview which my Assistant, Mr. Allen, had with Mr. Bertram Cox on Monday last, I now beg to lay before you officially the following matter :—

The Public Trustee is created by his Act of Parliament, 6 Edward VII, ch. 56, and empowered by section 6 to accept probate or letters of administration granted by the Court having jurisdiction in the matter, and in section 11 (4) of the statute it was provided : “ Where any bond or security would be required from a private person upon the grant to him of administration or upon his appointment to act in any capacity, the Public Trustee, if administration is granted to him or if he is appointed to act in such capacity as aforesaid, shall not be required to give such bond or security, but shall be subject to the same liabilities and duties as if he had given such bond or security.”

As my Act does not extend outside the United Kingdom, I have found in applying for letters of administration in the British dominions and colonies that their Courts are not able to recognize the provisions of section 11 (4), and, in strictness, would have to ask for private sureties for the administration of the estate, in probably the usual amount—*i.e.*, double the value of the estate.

In the last case at Cape Town the Supreme Court has there waived the point, and issued letters of administration (*re* Charles Adamson, deceased), but have drawn attention to the matter, and asked that it shall in future be put upon a proper basis, and have suggested that the matter is one which may be brought before the forthcoming Colonial Conference.

I have, however, to ask you to be good enough to give the matter your consideration, and to take such steps as you may think fit to remove the difficulty.

I should assume, inasmuch as the various Courts of the colonies will have the security of the British Government instead of sureties, even if double the amount of the estate, that the matter will not present itself to them as one of any special difficulty.

I am, &c.,

C. J. STEWART, Public Trustee.

The Right Hon. Lewis Harcourt, M.P.,

Principal Secretary of State for the Colonies, Colonial Office, S.W.

No. 145.

New Zealand, No. 107.

MY LORD,—

Downing Street, 17th March, 1911.

I have the honour to request you to inform your Ministers that the House of Commons has, on the motion of Mr. W. Redmond, adopted an address for a “ Return showing the places throughout the Empire where tobacco is cultivated, and the extent of the industry, and whether in any of the oversea dominions there is any excise or export duty on the home-grown tobacco, and, if so, the amount.”

2. I shall be glad if your Government will be so good as to favour me as soon as possible with the desired information as regards New Zealand.

I have, &c.,

L. HARCOURT.

Governor the Right Hon. Lord Islington, K.C.M.G., D.S.O., &c.