

estates I now refer to came under the administration of the office prior to "The Administration Act, 1879." These real estates are in many cases of small area and of little value. Some of them it is quite impossible to lease under the powers of section 10 of "The Public Trust Office Act, 1876," for seven years, or to let for any rent. Therefore in the majority of cases the land is simply lying idle, and may do so indefinitely, from the position of the land and its general want of value. I am strongly of opinion that it would be desirable in the interests of the colony, and also of the heirs-at-law, that power should be given by statute to the Public Trustee to sell such lands for the best obtainable price, and credit the estate with the proceeds. The amount thus credited would bear interest under the regulations. Then, a similar alteration of the law is required in the case of lands belonging to absent owners. Section 10 of "The Public Trust Office Act, 1876," says, "Whenever any land is lying waste and unoccupied in consequence of the owner of such land being unknown, or being known to have been absent from New Zealand for ten years without having left any known agent, the Public Trustee may take possession of and manage such land, with the same powers and in the same manner as is provided by the Amendment Act in the case of the heir or devisee of a deceased person being absent from New Zealand, until such owner, devisee, heir-at-law, or personal representative of such owner, as the case may be, shall establish his right and title to the satisfaction of the Judge sitting in the judicial district in which such and is situate."

66. *The Chairman.*] Does it occur to you that ten years is too long? Should not a trustee or caretaker come in and take charge before ten years, if the owner is away and not known? I would say that five years would be long enough?—Yes; if a man leaves a known agent, there is, of course, no right or desire to interfere with him; if he does not leave a known agent, I think after a lapse of five years the State should step in to protect.

67. *Mr. Macdonald.*] Have you taken possession of any property under that clause?—Yes. It is always a difficult matter, however. I want to draw the attention of the Commissioners to the first line of section 10, "Whenever any land is lying waste and unoccupied." "Unoccupied" has proved a great stumbling-block in the matter, because we find some man has fenced or partially fenced, and put on some cattle, and he says, "I am in possession." The Public Trustee in Mr. Woodward's time tried to oust a man who was in possession; but he was unsuited, because there was some one in possession—not legal possession—to occupy it. There are numbers of sections of land—I might say hundreds—throughout the country of this nature. In my opinion, no man should occupy illegally—that is to say, that the Public Trustee should have the power to take possession of all land which has not a known owner, or whose owner has not a known agent, and that the law should enable him to sell that land, and carry the proceeds to the credit of a special fund, in the name of the property disposed of. The difficulties in the administration of section 10 are very great, and practically little business is done under it. I am strongly of opinion that the State has a greater right to any land so situated than any person who may take illegal possession of it. There is a point I should like to bring before the Commissioners, relating to the absence of power in the Public Trustee to interfere with executors or administrators who may not be performing their duties properly. I have many applications from persons not understanding the law, calling upon me to interfere in such cases. I have always replied, of course, that the Public Trustee is absolutely powerless in such cases; and I recommend the applicants to at once apply to their solicitors for assistance. It is no part of the duty of the Public Trustee to interfere in any case in which he has not been specifically appointed. The public seem to think I am universal adviser in matters of that kind. I merely mention the point for information. Another point I should like to mention is connected with the investment of funds belonging to estates. It has happened that a person having a life-interest in funds in the office, and having children on whom these funds will devolve on the death of the life-tenant, has applied for a loan on property belonging to the life-tenant. On consultation with my Solicitor he has pointed out that, seeing that in such cases the Public Trustee would become both mortgagor and mortgagee, it is not desirable that he should entertain an application for a loan. I have simply put it before the Commissioners whether they will make any recommendation in the case, because it is obvious that as time goes on many such applications will be made. I think it would be a great advantage if I had power. I suggest that the Public Trustee be empowered to make proper loans by way of mortgage on such interest. For example, I will state a case: Mrs. ——— wished to borrow the sum of £100 on a certain security in Wellington which she valued at £1,000. The property is conveyed to the Public Trustee upon trust for Mrs. ——— for life, and after her death to her two daughters equally. Query: Can an advance be made to the trust? The answer by the Solicitor was that "he could not advise any application to the Board for an advance; the money must be looked for outside of the office. There is a power in the deed of settlement to mortgage, with the consent of Mrs. ———, for the benefit of the beneficiaries under this present deed; but if the borrower's solicitors are satisfied I see no reason why the loan should not be sought." To this I replied, "It is much to be deplored that, with so much money awaiting investment, opportunities must be lost of this kind of finding an investment for money." Now, with respect to the delays which take place, or are alleged to take place, in payment of claims against estates, I should like to explain to the Commissioners—apart from what I have alleged as regards delays occasioned by the Audit Department—one legal reason why these delays cannot be avoided, and will suggest a means whereby they can be to a very great extent obviated. The law at present says, as I am advised, that an administrator cannot, or should not, part with the funds in his hands for twelve months—should not part with the residue in his hands until the expiration of twelve months. Now, supposing that an estate comes into the office the realisation of which brings £1,000. I advertise for claims, according to practice, and at the end of two months or thereabouts claims amounting to £950 are received. It is quite clear I am in a position to pay these claims, amounting to £950, at the end of two months, so far as money is concerned. Now, if I pay those