

happened as follows: A man died leaving an estate, and he had two children, one a boy, the other a girl. The boy was nineteen years of age, and was very delicate. He had an affection of the eyes, and he was obliged to leave his work, and was confined in a dark room for a long time. I had in my hands belonging to him about £80, and he applied to me for £20, part of this money. I said to him, "You are not twenty-one years of age?" "No; I am only nineteen and a half." "Well, I do not see how I can pay you, because you cannot give me a receipt." He said, "Well, I am in this position: that I cannot live without some money." "Well," I said, "I shall have to ask you to get some person to guarantee that if I pay you this money you will hold me harmless when you arrive at the age of twenty-one." And I had to take that protection, and take the guarantee of a brother-in-law to myself before I considered it safe to pay this money. That is a position the Public Trustee ought not to be placed in. If he is satisfied that the claimant is really in need of the money, he ought to be able to get it. There is another case, of a man named Stewart, who died in 1883. It was a small estate, consisting of a small section of land. I had allowed the widow, who had children, to retain possession of the land, because it was shown to me that she had no other means of support for herself and five young children. The sale would be disastrous to her. It was a section of twenty acres. I say to the solicitor, "This is a case in which I have allowed the widow to retain the estate in order that she might keep her family. She now wishes to lease the land, retaining the house for the family's use: can this be done?" The Solicitor advises, "Under the peculiar circumstances of this case, if the lessee is willing to agree with Mrs. Stewart, I would advise non-interference. If, however, the lessee wants a proper lease, he ought to get it prepared in duplicate, and tender to the Public Trustee for execution. Afterwards a general order for payment of all rents for maintenance might be obtained, if thought necessary." She is still in possession. She merely wants to lease it, and take the proceeds. That man did not go on with it. The point there is, that we have allowed the widow, in order to enable her to live, to retain possession of the estate, and it still remains in my possession, and I am answerable for that estate. I have said sufficient, I think, to show that, as advised, section 19 of the Administration Act of 1879 ought to be amended, so that there should be no doubt whatever that realty as well as personalty under the amount of £100 conjointly may be handed over to the widow for the benefit of herself and children.

72. *Mr. Loughrey.*] In going over the papers I discovered a number of instances where widows and children were hardly pressed for money, although there was some estate. In such cases as that, did you ever apply to the Court for an order that the money might be obtained for the purpose of maintaining them?—Yes; for maintenance of children. I cannot call to mind whether we have applied for widows, but we certainly have for children.

73. You are aware this maintenance-money can be procured by obtaining an order of Court?—Yes.

74. *The Chairman.*] With regard to the amendment of section 19 of the Act you have just referred to, I understand you to be of opinion that the Public Trustee should have a free hand, if I may so call it, with respect to all estates not exceeding £100?—That is so.

75. *Mr. Loughrey.*] Suppose we had an estate of £1,000, what provision would you make for the widow and children in an intestate estate of that kind? The alteration in the law as suggested by you would not help you?—If the widow made an application for maintenance greater than the income I should have to apply to the Court, but could not of my own motion assist her there. Now, in respect to taking out orders of administration, the law at present permits the Public Trustee to administer an estate under £100 without order. I would suggest, for the consideration of the Commissioners, whether the limit should not be extended to £500, thereby saving the estate the costs incidental to obtaining an order of Court.

76. About how much?—Between £5 and £6.

77. *The Chairman.*] Then, are there any expenses contingent on that order?—No; I think that includes them all. With respect to protected life assurance policies against creditors, protected by the Life Assurance Policy Act of 1884, the meaning of which is that moneys under such policies are protected from the claims of creditors absolutely, it often happens in administrations by this office where protected policies come in that there are a number of creditors who prefer their claims. The next-of-kin are either unknown or reside abroad, and I find myself in this position: that the New Zealand creditors have to put up with a dividend of some shillings in the pound, and the protected-policy money is either sent away to foreign countries or remains in the office for six years to be paid over to the Consolidated Fund. It appears to me that that is a state of things that should be altered if possible.

78. Let me understand you on that point. If a policy of that kind is protected, is it protected only so far as foreign beneficiaries are concerned? May there not be some beneficiaries in the colony, outside of the creditors, who might come in and get that money?—Yes, if they were in the colony they would come in and take it. What I have been referring to are cases where the next-of-kin are either not known or are in foreign parts.

79. If the next-of-kin happen to be in the colony they would participate in the insurance money apart from creditors, even although they are in the colony?—Yes.

80. *Mr. Loughrey.*] And what remedy do you suggest to benefit creditors?—That where the next-of-kin are not in the colony the creditors should be paid in full—that is to say, the protection should cease if there are not next-of-kin in the colony.

81. *The Chairman.*] Then you mean to say this: that under protected life assurance policies they should only be protected so far as beneficiaries or participators in their funds reside within the colony?—Yes; that is what I mean. Of course it is a matter of opinion.

82. You wish, then, to obliterate the brand of protection on those policies in cases where the beneficiaries happen to be residing out of the colony?—Yes. In other words, that the New Zealand creditors should not be placed in a secondary position to next-of-kin in foreign parts, whom possibly the deceased never saw or heard of, or knew, at any rate.