

2353. You are not aware that the Public Trustee has?—I am not.

2354. *Mr. Loughrey.*] And if the Public Trustee has, the offence is a more glaring one, considering he is trustee to the estate?—I do not say that.

2355. Do you think it is a proper thing for him to make purchases under the circumstances?—I do not know that he has ever done so.

2356. *The Chairman.*] If I tell you that the Public Trustee has bought at least two watches, to say nothing of other articles, do you think that was right conduct on his part, in his sacred and high position as Public Trustee for the colony?—I should say he was exactly like myself—that until it was represented to him he never thought of it from that point of view.

2357. And he is registered, like yourself, as a solicitor of the Supreme Court of New Zealand?—Yes.

2358. Now that the matter has just dawned upon you in its true light, would you think he was justified in doing it?—Well, you cannot justify the action; but, on the other hand, I look at it exactly as myself, not having done anything to prevent a fair and open sale.

2359. Supposing I can show you that several officers in the employment of the Public Trust Office in Wellington have from time to time, and systematically, made purchases of that kind from the assets of different estates, as sold by George Thomas and Co., would you then think that a proper proceeding?—Not if they went openly and bid.

2360. Whether they went openly to bid or not. If they were the purchasers, and are in possession this day of the purchases acquired at those several auction-sales, do you not think they committed an improper act?—If it has been done it has crept in, and no one has given a thought on the subject owing to the smallness of the subject-matter.

2361. Then, supposing this becomes known, as it will, to the public, do you think that course of business is likely to do the Public Trust Office good, and inspire confidence in the future in the matter of dealing with estates?—There are two ways of looking at it. To the hypercritical, it would not; but from the general public they would say it is only what might be expected.

2362. *Mr. Loughrey.*] What would be the position of a private trustee who disposed of the assets in his position as trustee, and became the purchaser for himself?—Well, undoubtedly he would have to justify his action; but the cases are not on all-fours. I am not for a moment wishing to justify myself.

2363. What position is the Public Trustee in in regard to the estates in the office?—In the same position as a private trustee.

2364. And in his case, if the Public Trustee purchased the assets, what would be his position in such a case? Would he not be exactly in the same position as a private trustee?—Yes.

2365. And would he be justified in purchasing assets himself?—In the way spoken of, No; but that has not struck anybody in the broad, open way in which the question is put.

2366. *The Chairman.*] Estates vary, in value and other effects, in matters of amount. You speak of some of these transactions being a small thing. Supposing that some of these transactions, although small, dealt with a whole estate absolutely—the whole estate of a deceased individual, as in many cases they have done—that is to say, supposing the whole estate consisted of a deceased person's personal effects—his books, his clothes, and his jewellery—and that the whole estate was disposed of by your office, and that a large quantity of it was bought up by officers in the Public Trust Department—would that, according to your view, be a small thing?—I suppose so. I never heard of anything of the sort, and am utterly ignorant of it if anything of the sort did happen. But “smallness” or “greatness” are words of relative meaning. It is not small if relations are in need of every penny they can get; it is a big matter to them. “Small” and “great” depend upon so many outside circumstances.

2367. If I tell you now that one officer long in the service of the Public Trust Office, and high in position, has bought many things in the shape of jewellery from estates, and has even bought an overcoat at auction, would that be a proper proceeding?—If it were all in one matter, then it would look glaring; but, being done, if done, one at a time, doubtless the character of the proceeding has never been brought home to the mind of the officer.

2368. Is it not more glaring and systematic when this has not only been the practice in that one estate alone but has been the practice on many occasions, by officers employed in the Head Office of the Public Trust?—I could not say more than that it could not be justified.

2369. Do you not think it should have occurred to the Public Trustee, who himself is a lawyer, though of far less practical experience than yourself—do you not think that in his position he not only ought not to have dealt with those effects as purchaser, either directly or indirectly, privately or at auction, but should also have prevented any one in connection with his office doing likewise?—Well, of course, when one's attention is called to a matter they can see what ought to have been done; but this is such an overgrown office that it is very difficult to say whether minutiae are not forgotten in more ways than one.

2370. How is the office most overgrown?—It is overgrown in this way: that the office is like a boy who had completely grown out of his clothes, and wanted an entirely new suit made for him. I would like to add on that point that, in my opinion, the fault, if any, has arisen from the statutes, not from the officers of the staff.

2371. *Mr. Macdonald.*] Then, do I understand that in your opinion the staff is an efficient one?—With one or two exceptions I would not like to name, because I might do an injury unwittingly, I consider them exceedingly efficient. I do not mean that the exceptions are bad—I mean that they are not equal to the others.

2372. Of course, you know nothing personally as to the internal working of the accounts, or the system of book-keeping, or its general power to grapple generally with the work?—I know about the whole work of the office intimately, except the figures. I do not profess to know the system of book-keeping. I know nothing about the books; but, with the exception of that, I know everything