

No 6.

New Zealand, Dominions No. 726.

MY LORD,—

Downing Street, 18th December, 1918.

I have the honour to transmit to Your Excellency, to be laid before your Ministers, copy of a letter from the Association of County Court Registrars relative to the position of Registrars of County Courts in the matter of the distribution of trust funds collected in His Majesty's oversea dominions under Workmen's Compensation Acts for the benefit of minor children in this country.

2. I am asked to explain that Registrars of County Courts in this country have in their official capacity no duty or power to accept any such duties as those contemplated by the order of the Court in British Columbia mentioned in the association's letter. Any Registrar in his private capacity can no doubt become trustee of such a fund, but in that case the administration of trust would not be officially supervised, nor would the trust moneys be subject to Government audit or be covered by the Registrar's bond to the Treasury. For these reasons it is not the practice for Judges of the High Court in this country to direct payment to Registrars of County Courts for similar purposes. It is therefore suggested that in such cases British oversea Courts should direct payment to the Public Trustee, having previously obtained from him information that he is willing to accept payment. In English cases the Public Trustee is willing, and a rule of the Supreme Court has accordingly been made directing payment to him. I am advised that there should be no difficulty in arranging with the Public Trustee that he should similarly accept payment from British oversea Courts, subject to the charge of the prescribed fees. It is not necessary that there should be a previous communication in advance with the Public Trustee on every occasion before an order of Court is made. It will be more convenient that a general arrangement should be made with the Public Trustee, whereby, when the necessity arises for making an order for the holding of a trust fund of this kind in this country, the Court concerned could make the order directing payment to the Public Trustee and simultaneously inform him that they have done so.

I have, &c.,

WALTER H. LONG.

Governor-General His Excellency the Right Hon. the Earl of Liverpool,
P.C., G.C.M.G., G.B.E., M.V.O., &c.

Enclosure.

The Association of County Court Registrars,
Registrars' Chambers, County Court, Birmingham, 2nd August, 1918.

SIR,— A member of our Association of County Court Registrars has received a communication from the Official Administrator of the Province of British Columbia asking him to assist in the distribution of certain trust funds collected for the benefit of minor children under the terms of the provincial Workmen's Compensation Act.

The Registrar replied that he would be quite willing to do so, and has recently received a sum of about £140 with a copy of an order made by a Court in British Columbia directing payment of this amount to him as Registrar of the County Court, upon trust for the three infant children of the deceased workman (who reside with their mother within the district of his Court) in equal shares, the money to be distributed by the Registrar for their benefit in such manner and at such times as the Judge of the County Court may direct.

The Registrar consulted me, as president of the association, on the matter, and dealt with it on the lines I suggested—namely, he paid the money into County Court, and on an application being made to the Judge for directions an order was made similar to those made in workmen's compensation cases apportioning the fund, and for investment and payment of monthly sums to the children's mother for the benefit of the children.

On my bringing the matter before my committee the question was raised whether the Court in British Columbia had any power to make such an order, and also whether there is any Order in Council providing for the Supreme Court in England and the Court in British Columbia assisting each other in matters arising out of workmen's compensation cases, and I was requested to make inquiries from the proper Government Department to see if they could throw any light on the matter.

I do not quite know to which Department I ought to address my inquiry, but if you could give me any information or refer me to the Department to whom my inquiry ought to be addressed I should be very much obliged.

Your obedient servant,

ARTHUR L. LOWE, President.

The Secretary, Home Office, Whitehall, S.W. 1.