

either of the Supreme Court, or the Executive Government, which would be responsible for their safety.

7. The last course above indicated seems to me far from a desirable, if it be not an impracticable one in the existing state of the Colony, and I believe the first course would be by far the simplest and most economical.

8. The fund might be secured either by Debentures or other securities of the Government, or by direct charge on the revenue.

*N.B.*—In Intestate's and Insolvent's estates, a special per centage charge should be given for administration.

9. At the Seat of Government, and in populous places, a Clerk in the Treasury Department might act as "Receiver of the Supreme Court Fund," and at less important places the Sub-Treasurer might be the Receiver. But in all cases there should be a separate account for the fund, and documents should be in the name of the officers by description as "Receiver of the Supreme Court Fund."

*See observations on the "Debtors and Creditors Act."*

10. I speak with great diffidence on this portion of the subject, having but very little experience in financial affairs, but it appears to me that the following practical suggestions will probably be found equally applicable should any of the above mentioned modes of investment be adopted, and that an analogous practice might be introduced even if some other mode of investment should be formally determined upon.

11. The first practical suggestion I have to make is, that the Registrars and Deputy-Registrars of the Supreme Court should no longer have the custody or administration of the funds over which the Court has control. Those officers are the proper persons to examine and certify to the Court the accounts of all persons liable to account to the Court. It is through them only that the Court can, with propriety or convenience, investigate accounts at all; and the position of a Registrar as Official Administrator of Intestate Estates under the old rules, or that of Sequestrator or Trustee of Insolvent Estates in which it has often been found necessary to place him, under the "Debtor and Creditors Act, 1862," for want of some other responsible person ready to undertake the duties, is quite anomalous, and not to be justified in the present state of the Colony. The old rule—supposed (and I dare say rightly) to have been justified by the circumstances of the Colony in its earlier days, by which the Registrar who was made *ex officio* official administrator of Intestate Estates was directed to pass certain accounts before a Judge once a month, had fallen into desuetude before I came to the Colony, it being in fact practically impossible to comply with it. A new or altered system which should continue to make the Registrar, the officer to receive such monies and account for them, and cast on the Judge the duty to receive and check such accounts at short intervals, would, in my opinion, be not only wrong in principle as disturbing and confounding the relations of the Court to its officers and of both to public, but also practically unworkable. The only way in which a Judge can at present, in part, comply with one of the old rules about accounts, in cases of official administration, is by seeing that the Registrar has vouchers for all the disbursements which he has charged against the Estate, and this seems scarcely proper business for a Judge to be called upon to perform personally, even if it were not as it is, merely delusive for any purpose of testing the probity and regularity of the Registrar, since the Judge has no means of checking the accuracy of his representations as to the monies he has received.

12. It is clear, therefore, to my mind that the Registrars ought to be exonerated from the duties which they now have to perform in respect of these Estates, and that they ought to be cast upon a new and distinct kind of officer. The Registrars being remitted to their proper position as representing the Court in examining, checking and certifying the accounts of such officers. And in passing I ought to remark that as the allowances made to Registrars in respect of official administrations have been considered as in some measure justifying the smallness of the salaries awarded to those gentlemen for the performance of difficult, harassing, and responsible duties, and as they will still have important duties to discharge in respect of Estates administered under the authority of the Court. The insolvency business having also added greatly to their labours, it would seem but justice to give the existing Registrars some compensation by increase of salary and consideration in respect of superannuation.

13. It seems to me that a financial officer of the Supreme Court should be appointed at each place in the Colony in which there is a Registrar or Deputy Registrar; and I think it ought to be his duty to act as an Official Administrator of Intestate Estates, Official Sequestrator and Trustee of Insolvent Estates, and as *ad interim* Official Trustee of other Estates in the course of Administration in the Court.

14. I think that such an officer, whom I shall call "Official Trustee of the Supreme Court" ought to be a person of either professional or commercial experience, and of approved character. He ought to be well remunerated for his work; being made liable for the conduct and default of subordinates; and giving security (by sureties or otherwise) to the Government, I think it advisable that he should have both a salary (or retaining fee) and a per centage on the amount of Estates realised by him.

15. At some places in the Colony, the duties of such an office would, even now, occupy the whole time of the Official Trustee; but in places where they would not yet be sufficient to do so, a competent person might be appointed who would undertake to perform the duties of the Office when, and as they should arise, being remunerated according to circumstances by salary (or retaining fee) and a per centage.