

trinkets sold by the office. It is true that they have broken a recognised rule of law attaching to all persons placed in a fiduciary position, but it has not been even alleged that any estate has suffered the loss of a farthing by this irregularity. The rule of law exists to prevent the temptation to commit, or the imputation of having committed, a *wrong*. The *rule* has been broken, but the *wrong*, to prevent which the rule exists, has not been done. And there is not one of his numerous friends who have known him through his long and faithful service of the Government will ever believe that Mr. Hamerton was capable of wronging any estate in his hands of a farthing. An irregularity has been committed thoughtlessly, probably, by most concerned, altogether unknowingly; but in any Court of Justice, as justice is administered in England, the punishment for such irregularity would be a mild reproof and a warning not to continue a dangerous practice. And those who cast up their eyes as if great crimes had been committed fail to perceive in what criminality consists. The very publicity with which these transactions occurred rebuts the idea of criminality. For the gentlemen concerned might have got all they wanted by asking some friend to bid at the auction, when their action would never have been known. As to the real effect of the conduct of the Trustee and his officers on the estates, the Commissioners innocently extracted from a general dealer, who used to buy at the auctions, the admission that "*it was not fair to the public to have the Trust Office officers bidding*"—in other words, that they run up the prices, and so far benefited the estate.

8. *The Character of the Examination.*

I cannot conclude this memorandum without making some remarks on the mode of examination adopted by the Chairman. Throughout the great bulk of the examination the questions asked were of a leading character—that is to say, suggestive of the answer the Chairman desired to receive. A very large part of it consisted of questions designed to extort from the witness acquiescence in opinions *the Chairman had already formed*. All the witnesses who were public servants felt that they were being examined by a counsel for a prosecution, eager to obtain a verdict, and himself both counsel and jury. This was especially the case in the evidence taken as to the character of the book-keeping. There is no question that the scheme of book-keeping in the Public Trust Office is unsatisfactory. But I will undertake to say that any competent accountant with a fair amount of organizing ability could have gone into that office and, after a few hours'—at all events, a very few days'—study of the system, could have suggested such alterations as to have effected all the improvement necessary. It could hardly have been contemplated by the Government that a Commission, sitting at the cost of many guineas a day, should have spent days—nay, weeks—in discussing minor details of book-keeping, even down to questions of whether ledgers should have canvas covers or brass tips, and what was the cost of such luxuries, or in ascertaining whether the witness agreed in opinions the questioner had himself formed.

I venture to assert that whoever has the task of remodelling the system of book-keeping in the Trust Office will not gather—even if unwise enough to wade through it—the smallest assistance from the wearisome examinations which it must have cost the country many hundreds of pounds to record and to print. In the case of the Royal Commission which sat on the great army-clothing establishment at Weedon some thirty years ago, the Commissioners simply recommended the Government to call in a first-class accounting firm who should put the books into the best form, which was done, without much talk. In this case there has been an enormous amount of most costly talk, and the thing is yet to do.

But I regret that I must call special attention to some of the incidents of this examination.

Mr. Hamerton has informed me that he was so ill during part of his examination as to be hardly responsible for his answers, and that he applied to the Commissioners to be allowed to correct part of his evidence. The request was refused.

I was Under-Secretary to the British Museum when a Royal Commission sat on that institution. My chief, the Secretary, was taken seriously ill in the course of his examination, and I well remember that his evidence was carefully suppressed until, upon his recovery, many weeks after, the Commissioners submitted it for his correction. But the noblemen and gentlemen who sat on that Commission thought it their duty to get the real opinions entertained by the witnesses, not any expressions that may have fallen from them by inadvertence or through misunderstanding.

Nor was this the only case in which necessary corrections of errors in the examinations have been refused. I have myself been made to say that Corporations did not pay for their