

is a licensed Native interpreter or not, and notwithstanding that it may afterwards be discovered that the person attesting was not a licensed interpreter, the order, and all acts and things done thereunder, shall be valid.

(3.) This clause shall be construed subject to any statutory provision dealing with the matter.

29. In any case which is not provided for by statute or by these regulations, the special instructions of the Public Trustee must be applied for and followed.

30. In the case of securities which, pursuant to section 96 of the Public Revenues Act, 1910, are to be held under three keys, the custodians shall be the Assistant Chief Accountant of the Public Trust Office, the Custodian of Securities of the Public Trust Office, and an Audit officer deputed by the Controller and Auditor-General in that behalf.

#### CHARGES TO BE MADE BY THE PUBLIC TRUSTEE.

31. The undermentioned charges shall be payable to the Public Trustee in respect of the matters mentioned: Provided that where the Public Trustee is custodian trustee the charges under (a), (b), (c), (d), (e), (f), (h), (i), (j), and (k) of this clause shall be reduced by one-half.

(a.) Upon the gross capital of any testate or intestate estate realized by the Public Trustee, or upon the gross capital of any estate administered and realized under the Lunatics Act, 1908, or the Mental Defectives Act, 1911, or the Prisons Act, 1908, or the Aged and Infirm Persons Protection Act, 1912, or in any other estate with respect to which the Public Trustee's charges on realization are not specifically provided for,—

(1.) On the first £10,000: 2½ per cent.

(2.) On all in excess of £10,000: 1½ per cent.

Provided that (1) in testate and intestate estates in which no person has previously obtained administration and the gross capital value of the assets of which, as accepted by the Stamp Duties Department for the purpose of assessing death duties, does not exceed the sum of £1,000, and (2) in all other estates in which the gross capital value at the date of acceptance of the estate by the Office Board does not exceed the sum of £1,000, and in respect to which the Public Trustee's charges on realization are not herein specifically mentioned, the rate of commission on assets not consisting of cash or of balances to credit of any account, or on fixed deposit in any institution, or moneys received under any life or accident policy, or moneys received from any lodge or friendly society, or bonds or debentures collected at maturity, or of superannuation contributions refunded, shall be 5 per cent. on the first £400 and 2½ per cent. on the excess.

Provided also that where the assets of a mental patient's estate, or of a missing persons' estate, or of an aged and infirm person's estate, or of a convict's estate, or the greater part of them, are not realized but are administered and handed over to the patient on his discharge or to his executors on his decease, the Public Trustee instead of charging commission at the foregoing rates may charge such a fee as he considers commensurate with the special services rendered in the administration of the estate.

The charges under (a) are payable on realization.

No charge shall be made under (a) in the case of the moneys comprised in Class IV of clause 12 hereof, or in the case of local bodies' sinking funds.

(b.) (1.) Upon such of the capital or income of any estate realized by a former executor, trustee, or administrator, or person acting in a fiduciary character, as becomes vested in the Public Trustee on the original trusts, either in the form of investments or of cash: 1 per cent.

The charge under (b) is payable as regards cash assets at the date of receipt by the Public Trustee, and as regards investments when they are realized.

Minimum charge under (a) and (b): £2 2s.

(c.) In the case of a deed of trust or of a settlement, antenuptial or otherwise, on such part of the trust property as consists of cash—upon the capital sum: 1 per cent.

On all sums received by the Public Trustee under section 17 of the Public Trust Office Amendment Act, 1913: 1 per cent.

On all capital sums received by the Public Trustee under the Destitute Persons Act, 1910, or any amendment of that Act: 1 per cent.

The charge under (c) is payable at the date of distribution, except that in the case of a perpetual trust the charge under (c) shall be made on receipt of the capital fund. No charge under (c) shall be made where the capital is in the Common Fund and reverts to the settlor in his lifetime.

(d.) In the case of any estate in which the Public Trustee is acting as attorney or agent, the charge on the capital realized shall be made under (a) above, except where a special fee is arranged between the Public Trustee and his principal.

No charge under (d) shall be made where the capital is cash held in the Common Fund on an investment agency.

(e.) Where an estate is administered by the Public Trustee in two capacities, e.g., as statutory committee of a mental

patient's estate, and later as executor under the will of the deceased patient, or where an asset consists of a share in another estate administered by the Public Trustee—on any cash balance, whether of a capital or income nature, transferred from one account in the office to another account: 1 per cent.

(f.) Where an asset consists of a share from another estate privately administered, the charge shall be as in paragraph 31 (a).

(g.) Where insurance moneys arising out of a loss by fire are collected,—

(1.) Where such moneys are retained and administered, the charge shall be as in paragraph 31 (a).

(2.) Where such moneys are expended in rebuilding, the charge shall be: 1 per cent.

(h.) On compensation moneys or damages received under the Workers' Compensation Act, 1908, or section 13 of the Public Trust Office Amendment Act, 1913,—

On so much thereof as is immediately payable under Court order or otherwise to the person entitled: 1 per cent.

On so much thereof as is held and administered in terms of Court order or otherwise: 2½ per cent.

(i.) Upon the gross income of any estate,—

Where the income collected is in the nature of interest on debentures, or dividends from shares, or interest on fixed deposits or Post Office savings-bank deposits, or superannuation allowances, the charge shall be 2½ per cent.

In all other cases (including the gross income derived from any business carried on by the Public Trustee) the charge shall be 5 per cent.

Where any income due to an estate is collected on behalf of the Public Trustee by any authorized person, firm, or company who has charged a commission for so doing, or where income is derived from another estate privately administered in which the administrator has charged a commission for his services, the foregoing charges under (i) shall be reduced by one-half.

No charge under (i) shall be made in respect of income derived from capital in the Common Fund.

(j.) Upon real or personal property transferred or delivered in kind to or retained by any person entitled thereto, being a devisee, legatee, next-of-kin, *cestui que trust*, beneficiary, or other person of a like character, upon the value of such property as fixed by the Public Trustee,—

Up to £10,000: 1½ per cent.

On all in excess of £10,000: 15s. per cent.

Minimum charge: £2 2s.

The minimum charge of £2 2s. under (j) shall be inclusive of and not in addition to the commission taken on any of the assets of an estate which may be realized.

No charge under (j) shall be made where property is returned to a principal for whom the Public Trustee has been acting as attorney or agent.

Upon any unrealized real or personal property bequeathed or devised to the Public Trustee upon perpetual trust—upon the capital value: 1 per cent.

(k.) Where assets outside the Dominion are receivable by the Public Trustee, as principal administrator, by grant or any authority—on the capital and income receivable or realized: 1½ per cent.

(l.) Upon the capital from any real property administered under Part II (Unclaimed Lands) or Part III (Unclaimed Property) of the principal Act: 7½ per cent.

Minimum charge under (l): £2 2s.

Upon the capital from any personal property under Part III (Unclaimed Property) of the principal Act, the charges shall be as provided under (a).

(m.) Upon the gross proceeds of rents, income, or revenue received from any property pursuant to Part II (Unclaimed Lands) or Part III (Unclaimed Property) of the principal Act: 7½ per cent.

(n.) In all cases not otherwise hereby provided for, on all sums lodged in the Public Trust Office under or in pursuance of the provisions of any Act, rule, or law in that behalf, at the time of lodging the same: 1 per cent.

Minimum charge under (n): £2 2s.

(o.) For application to be registered proprietor under Part II (Unclaimed Lands) or Part III (Unclaimed Property) of the principal Act: £2 2s.

(p.) For discharging mortgage under section 75 of the Property Law Act, 1908, or section 117 of the Land Transfer Act, 1908, and holding the proceeds for the person entitled,—

Where the amount is not more than £250: £3 3s.

Where the amount is over £250 and not more than £1,000: £4 4s.

Where the amount is over £1,000: £6 6s.

Provided, however, that the Public Trustee shall deduct from the moneys due to the mortgagee the difference between the above fees and the charges provided under the New Zealand Law Society's scale of charges for an ordinary discharge of a mortgage.