

which form part of the Common Fund shall be computed at the following yearly rates:—

"Class I.—On capital moneys belonging to a testate or intestate estate, or held under any deed of trust or settlement, or as custodian trustee, or as Commissioner of sinking funds of local bodies,—

"(a.) Whilst held for minors or persons under disability, or for beneficiaries not entitled to payment at call, or (in the case of sinking funds) whilst held for payment of debentures: $5\frac{1}{4}$ per cent.

"(b.) Whilst held payable in the ordinary course of administration for distribution or at call: 3 per cent.

"The Public Trustee shall fix the date on which any sum passes from (a) to (b) or *vice versa*.

"Class II.—On capital moneys received as attorney or agent (including capital money received as agent for investment in the Common Fund): Such rate as is agreed on, not exceeding the rate in Class I (a).

"In the absence of an agreement no interest shall be payable. In the case of investment agencies for a fixed period, the rate for the whole period may be any rate not exceeding the rate current under Class I (a).

"Class III.—On capital moneys belonging to estates held or administered under the Lunatics Act, 1908, Mental Defectives Act, 1911, the Aged and Infirm Persons Protection Act, 1912, the Destitute Persons Act, 1910, the Industrial Schools Act, 1908, the Reformatory Institutions Act, 1909, and the Prisons Act, 1908: If held at call, 3 per cent.; if not at call, $4\frac{1}{2}$ per cent.

"Class IV.—On capital moneys held under the Insurance Companies' Deposits Act, 1921-22, or under the Life Insurance Amendment Act, 1921, or held by the Public Trustee and declared to be capital moneys of the Public Debt Redemption Fund pursuant to the provisions of section 8 of the Repayment of the Public Debt Act, 1925, or received as superannuation contributions, or as salary deductions, under the Civil Service Act, 1908, the Government Railways Act, 1908, the Public Service Classification and Superannuation Act, 1908, the Post and Telegraph Act, 1908, the Local Authorities Superannuation Act, 1908, or as deferred naval pay under the Naval Defence Act, 1913: The same rates as under Class I (a).

"Class V.—On capital moneys held under the Land Settlement Finance Act, 1909, section 75 of the Property Law Act, 1908, section 117 of the Land Transfer Act, 1915, Parts II and III of the principal Act (Unclaimed Land and Unclaimed Property), the Rating Act, 1925, or the Bankruptcy Act, 1908—On any credit balance of £10 and upwards: If held at call, 3 per cent.; if not at call, $4\frac{1}{2}$ per cent.

"Class VI.—On capital moneys received under any other Act, or in respect to any class of estate or account not herein specifically referred to: On any credit balance of £10 and upwards, the same rates as under Class III."

2. The regulation made by above-recited Order in Council of the 12th day of December, 1924, is hereby revoked.

CHARGES TO BE MADE BY THE PUBLIC TRUSTEE.

3. Regulation 21 of the principal regulations is hereby amended as follows:—

(a.) By deleting clause (a) thereof, and substituting therefor the following:—

"(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 the Destitute Persons Act, 1910, or in any other estate with respect to which the Public Trustee's charges on realization are not specifically provided for,—

"On the first £5,000, $2\frac{1}{2}$ per cent.

"On the next £5,000, $1\frac{1}{2}$ per cent.

"On the next £15,000, 1 per cent.

"On all in excess of £25,000, $\frac{3}{4}$ per cent.

"Provided that in any such estate the rate of commission on book debts collected by the Public Trustee shall be 5 per cent. unless an agent shall have been employed by the Public Trustee for the purpose of such collection and paid a commission for the services, in which case the Public Trustee's commission shall be reduced to $2\frac{1}{2}$ per cent.

"The charges under (a) are payable to the Public Trustee upon the realization of an asset."

(b.) By deleting clause (i) thereof, and substituting the following:—

"(i.) 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, and upon property abandoned to a mortgagee, and upon the amount of any advance to a beneficiary brought into hotchpot—upon the value of such property as fixed by the Public Trustee,—

"(i.) On the first £5,000, $1\frac{1}{2}$ per cent.

"On the next £5,000, $\frac{3}{4}$ per cent.

"On all in excess of £10,000, $\frac{1}{2}$ per cent.

"(ii.) Where the Public Trustee is acting as Custodian Trustee the rate shall be as follows:—

"On the first £10,000, $\frac{5}{8}$ per cent.

"On all in excess, $\frac{3}{8}$ per cent."

(c.) By deleting clause (p) thereof, and substituting the following:—

"(p.) The minimum fee for the administration of any estate shall be £3 3s., and in addition to this charge commission shall be charged on income received at the rate or rates prescribed by these regulations:

"Provided that in the case of sums received by the Public Trustee under section 17 of the Public Trust Office Amendment Act, 1913, the minimum fee shall not apply."

F. D. THOMSON,
Clerk of the Executive Council.

Allocating Cost of certain Proceedings under Section 132 of the Municipal Corporations Act, 1920, Borough of Mount Eden.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 10th day of November, 1925.

Present:

THE HONOURABLE J. G. COATES PRESIDING IN COUNCIL.

IN pursuance of the powers vested in him by section one hundred and thirty-two of the Municipal Corporations Act, 1920, and of every other power and authority enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby direct that the Mount Eden Borough Council and the Mount Roskill Road Board shall defray in equal proportions all the costs of the Commission appointed under the said Act by a Warrant under the hand of His Excellency the Governor-General dated the seventeenth day of April, one thousand nine hundred and twenty-five, to hold an inquiry and make a report on the proposal to exclude an area from the County of Eden and include such area in the Borough of Mount Eden.

F. D. THOMSON,
Clerk of the Executive Council.

Arrangements for taking Poll respecting Proposed Borough of Upper Hutt, County of Hutt.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 10th day of November, 1925.

Present:

THE HONOURABLE J. G. COATES PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in him by the Municipal Corporations Act, 1920, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby direct that a poll shall be taken on the proposal that the area described in the Schedule hereto may be constituted a borough under the Municipal Corporations Act, 1920, by name the Borough of Upper Hutt; and, further, doth hereby make the following appointments and arrangements for the purpose of taking the said poll:—

1. Lionel Francis Grimstone, of Upper Hutt, to be the Returning Officer for the purpose of taking the said poll, and also to be the person authorized to prepare a voters roll of the persons entitled to vote at the said poll.

2. The voters roll prepared and signed by the said Lionel Francis Grimstone shall be the voters roll to be used at the said poll.

3. Each person on such roll shall have and may exercise one vote, and no more.

4. The said poll shall be taken on Wednesday, the ninth day of December, one thousand nine hundred and twenty-five, and shall close at seven o'clock in the afternoon of that day.