

It has long been a feature of the Public Trust Office that no procuration fee has been charged by the Office in respect of advances made to mortgagors. This provision has now been extended to cover the case in which applications are received, not directly from the applicant, but through a solicitor or agent. It is provided that it shall not be lawful for any person acting as solicitor or agent for a mortgagor in respect of any loan from the Public Trust Office to charge any procuration fee in respect thereof, and it is further provided that any mortgagor may recover in a Court of competent jurisdiction any such procuration fee paid by him. (Section 100.)

*Special Position of Public Trustee.*

45. It has been urged in some quarters that the increased powers and facilities conferred upon the Public Trustee by the amending Act should have been made applicable to all trustees by an amendment of the Trustee Act. This is an aspect of the matter which does not directly concern the Public Trustee, but it may be pointed out that he stands in a unique position, since his Office is created by the State and he is an official whose actions are subject to public inquiry and criticism. It is thus possible to grant to him special powers and facilities which it would be most inadvisable to make generally applicable to trustees. This principle has long been recognized, and successive statutes dealing with the Public Trust Office have conferred more and more extensive powers on the Public Trustee. The experience of Government and of the public has been that it is proper in the case of the Public Trustee to grant powers which could not safely be made of general application.

The provisions which have been embodied in the Amendment Act will be most beneficial to the Office. They will in many cases enable the Public Trustee to carry out, at a minimum of expense and trouble, arrangements which in the case of a private trustee would be onerous and expensive. It is recognized that many of the powers now conferred are of wide scope, but the history of the Public Trust Office is a sufficient assurance that these powers will be exercised with prudence and caution, and will not be used arbitrarily or in a harsh or inequitable manner.

It will still be left to the discretion of the Public Trustee to decide in what particular cases the powers shall be exercised; but when a suitable occasion arises the facilities which have now been granted will prove most beneficial in eliminating expense and delay, and will assist the Public Trust Office in the work of providing efficient and economical administration of estates of deceased persons, and of other matters which fall within the Public Trustee's functions.

MENTAL DEFECTIVES AMENDMENT ACT, 1921-22.

46. Another Act which was passed last year, and which affects the Public Trust Office, is the Mental Defectives Amendment Act.

Section 2 of the Act removes the overlapping of authority which has hitherto existed between the Native Trustee and the Public Trustee in respect of the estates of Native mental patients. In future the estates of such patients will be administered by the Native Trustee.

Section 4 of the Act confers additional powers on the Public Trustee. The most important is the power to carry on a patient's business for a limited time, at the end of which it can be seen whether the business should be sold or carried on permanently. If it is to be carried on permanently the leave of the Court becomes necessary.

Express authority is now given to expend moneys forming part of the patient's estate for the purchase of a home for the patient and his family.

Section 9 of the Act gives the Public Trustee the same power of dissolving a partnership as would have been possessed by the patient but for his disability. The Public Trustee is also given power on such dissolution to join and concur with the other partners in the sale of partnership assets.

Sections 10 to 13 are an adaptation of similar provisions of the Lunacy Act (Victoria), 1915. It provides for reciprocity of administration between New Zealand and the officials entrusted with the management of mental patients'