

The growing complexities of property, and especially of business interests, to which I have referred earlier in the report as making modern trusteeship more difficult and exacting are also acutely experienced in the administration of the estates of mentally incapacitated persons. Just as in the case of deceased persons, they also are often possessed of large estates, and frequently the handling of their affairs is freighted with interests of an involved or difficult nature. Moreover, it is no uncommon experience that persons of unsound mind have for some time prior to their committal, by the very reason of their mental disease, mismanaged and muddled their affairs. Thus the administration of these estates at times presents considerable complications and difficulties, but, at the same time, it is a very necessary and important work, rightly demanding strict attention and efficient control.

AGED AND INFIRM PERSONS PROTECTION ACT, 1912.

63. Under this Act provision is made that where it is established to the satisfaction of the Supreme Court that any person is, by reason of advanced years, bodily or mental infirmity, or other causes, unable to manage his own affairs, or is likely to be subject to undue influence in regard to his property, the Court may make a protection order in the prescribed form. The Public Trustee may be appointed to act as manager of such estates, and frequently is approached to do so. During the past year a number of appointments under this Act has been made.

It has happened on occasions that amongst the assets of estates in regard to which the Public Trustee has been appointed manager there is property situated outside the jurisdiction of the New Zealand Courts. In regard to such property situated, say, in England, the question whether the Public Trustee's status as manager entitles him to legal recognition abroad is one upon which there appears to be no specific authority. The nearest analogy known to me is the recognition given in England to the status of a foreign curator or administrator of a mental patient domiciled or resident in the country from which such foreign curator derives his authority. That such a committee, curator, or administrator can enforce by action claims in respect of movable property in England is undoubted, and the English Courts have so held: *Didesheim v. London and Westminster Bank* (1900 2 Ch. 15). As distinct from legal considerations, however, there is no practical risk for persons abroad holding funds on behalf of a protected person making payment to the Public Trustee, as the Public Trustee is a public officer constituted under the Public Trust Office Act, and his fidelity and the funds entrusted to him are guaranteed by the Government.

The statutory duties imposed on the Public Trustee in regard to estates under private management have been carried out as far as possible. As has been mentioned previously, however, under existing legislation the Public Trustee has no means of ascertaining those persons who have been appointed as managers, and consequently cannot satisfy himself whether all private managers are complying with the statutory requirements or not.

CONVICTS' ESTATES.

64. Under the provisions of Part III of the Prisons Act, 1908, the custody and administration of estates of convicts are entrusted to such persons as the Governor-General may by writing under his hand appoint. In practice, all such estates are administered by the Public Trustee pursuant to a general authority given by His Excellency the Governor-General. An exception is made in the case of Natives within the meaning of the Native Land Act, 1908, whose estates are administered by the Native Trustee.

A "convict" is defined by the Act as meaning any person sentenced by any Court of competent jurisdiction to death or to penal servitude on any charge of treason or felony, and includes every person sentenced under the Crimes Act, 1908, to imprisonment for a term of three years or upwards, with or without hard labour. In addition to persons included in the term "convict" by the Prisons Act, 1908, by section 24 of the Crimes Amendment Act, 1910, persons sentenced to reformatory detention for any period are deemed to be convicts.