

amounted to £1,345,419. Broadly speaking, the Public Trustee's functions in connection with mental-patient estates fall into two main classes :—

*Administration.*—By section 88 of the Mental Defectives Act, 1911, the Public Trustee has the custody and administration of the estates of all mental patients in which no committee has been appointed, and also administers those estates in which he has been, in pursuance of section 89, specifically appointed by order of the Court.

*Duties in connection with the Appointment of and Administration by Private Committees.*—In addition, the Act casts on the Public Trustee certain duties of a supervising nature in connection with the appointment of and administration by private committees.

As to their appointment, section 115 of the Mental Defectives Act provides that the Supreme Court shall not appoint as committee of an estate any person other than the Public Trustee, unless it is proved to the satisfaction of the Court that there is some good and sufficient reason why such person should be so appointed in preference to the Public Trustee. It is further provided that notice of applications for the appointment of private committees shall be served on the Public Trustee. In connection with this section it was held in *Kermoad's case* (16 G.L.R. 370, 397 ; 33 N.Z. L.R. 771) to be the duty of the Public Trustee to inquire into these applications, and to file either affidavits or a full formal report to the Court showing whether he admits or not that there is sufficient reason, and his reasons for so admitting. Accordingly, independent investigations are conducted by the Office in respect of each application under section 115, and a report as indicated in *Kermoad's case* submitted to the Court. Section 6 of the Amendment Act, 1921, provides that the Public Trustee shall be entitled to be heard on any such application, and to have his costs, including those of obtaining such reports as he deems necessary, allowed to him out of the estate.

The object of this provision is to ensure that the best person suitable to administer a mental patient's estate will be appointed committee; and a private committee will be appointed only in those cases where from the special nature of the assets or some other similar reason such an appointment is justified.

It may here be stated that where businesses or other special interests are concerned the provision for the appointment of advisory trustees may be applied to the estates of mental patients so that there may be associated with the Public Trustee in the administration suitable persons to advise on difficult and technical questions.

*Security by Private Committee.*—When a private committee has been so appointed, the Mental Defectives Act provides additional safeguards for the administration of a patient's estate. Section 117 of the Act imposes an absolute duty on any person other than the Public Trustee who is appointed committee of a mental patient's estate to give such security as is approved by the Court for the due administration of the estate. It is also provided that in cases where it is necessary the Public Trustee may be empowered to take action to enforce such security on behalf of the estate.

*Oversight of Administration and Accounts of Private Committee.*—An additional safeguard for the due administration of an estate by a private committee is provided by an independent periodical scrutiny of the accounts of such private committee by the Public Trustee. Section 118 makes it mandatory on every committee other than the Public Trustee to render to the Public Trustee, at such intervals as are arranged in each particular case, a statement showing the property comprised in the estate, the manner in which it has been administered and applied, the condition of that property, and such other particulars relating to the estate as may be prescribed or directed by the Public Trustee. Every such statement is to be verified by a statutory declaration of the committee, and, where the Public Trustee so directs, shall be supported by vouchers. By means of these accounts and the supporting vouchers the Public Trustee is able to exercise a general supervision over the administration by private committees.

In regard to the Public Trustee's administration of mental-patient estates, he may exercise at his discretion wide powers without the necessity of obtaining the sanction of the Supreme Court. To these powers were made some important additions by the Amendment Act of 1921. The statutory powers are exercised only