

Trustee to exercise outside the territorial limits of New Zealand the statutory powers thereby conferred upon him, nor does it operate of its own authority to confer any claim as of right on the Public Trustee to recognition outside New Zealand. Such recognition may be, and in accordance with judicial comity generally is, accorded by foreign jurisdictions to the status conferred upon the Public Trustee by the New Zealand Act, but the procedure required—generally an application to the Courts of the country where the property of the lunatic is situated—to secure such recognition is at once expensive and inconvenient. All foreign jurisdictions impose legal restrictions on the capacity of a lunatic to deal with his property himself, but an unintended hardship is inflicted on the lunatic through the inadequacy of legal provision to enable the lunatic, through his committee or administrator, to obtain control of his estate with a minimum of expense and delay. His disability does not diminish his needs, and in some respects it increases them, but it does affect his capacity to deal with his property, and unless his committee or administrator can do so on his behalf with comparatively the same ease as the lunatic could have done were he not incapacitated the lunatic in effect may suffer an additional disability.

Legislation was passed in New Zealand in 1921 (the Mental Defectives Act, 1921-22, sections 10-13) designed to remedy this deficiency by enabling the person charged with the administration of the estate of a lunatic resident in a British possession other than New Zealand to deal speedily and inexpensively with the property in New Zealand of such lunatic, provided reciprocal treatment is accorded by the State where such administrator derives his status; but as this reciprocal treatment has up to the present been accorded only by the States of Victoria and South Australia in the Australian Commonwealth the facility wherewith the Public Trustee as administrator of a mental patient's estate in New Zealand can deal with property of such patient outside New Zealand is not increased to any appreciable extent.

The increasing judicial tendency, at least on the part of English Courts, to give fuller recognition to the status of a foreign committee or administrator, at least as regards movable property, and where the committee or administrator and the lunatic are resident in the same jurisdiction, represents an advance towards meeting the just claim of a person outside New Zealand holding property on behalf of a lunatic to a valid and effectual discharge, and also to the claims of a lunatic to have his property made available for his support without expense and delay. Nevertheless the law is imperfectly developed on this point, and it is still true to say generally that a lunatic in New Zealand cannot as of right obtain through his statutory administrator control of his estate out of New Zealand, even where such property is required to meet the necessities of the lunatic, without expensive Court applications in the State where the property is situated; and instances have occurred during the year in England, in the United States of America, and in the Commonwealth of Australia which forcibly illustrate this conclusion. Whether the expense of such a procedure is warranted depends on the value of the property proportionate to the estimated expenses involved, the ability of the administrator in New Zealand to meet the lunatic's maintenance, and any other relevant circumstances.

Where the cost of legal proceedings would be out of proportion to the value of the property, and funds are required for the lunatic's maintenance, the policy of the Public Trustee has been to bring under the notice of the persons out of New Zealand holding moneys or property for a lunatic in New Zealand the power of such persons to pay such moneys to a proper person in the jurisdiction where the lunatic is resident, and also the guarantee given by statute in respect of the proper application of such funds by the Public Trustee. This plea has been successfully made by the Public Trustee in proper cases, and consequently has gone far to mitigate in practice the adverse effects following upon a rigid adherence to legal formalities, particularly in those cases where such a procedure would produce the maximum hardship.

*Maintenance of Mental Patients.*—As has been previously intimated, special attention is paid to the general question of maintenance of mental patients, including the provision of extra comforts where the circumstances warrant and where funds are available. In regard to this the Office closely co-operates with