

the mental-hospital authorities, who are, of course, competent to judge what is best for the general welfare of patients under their control. Arrangements are made in suitable cases to have a regular supply of fruit, tobacco, and other small articles of comfort furnished to patients.

#### AGED AND INFIRM PERSONS.

54. The operations of the past year show that the provisions for the protection of those who by reason of senility, disease, illness, mental infirmity, or overindulgence in alcoholic liquors or drugs are being availed of, and in many cases the Public Trustee appointed manager in pursuance of the Aged and Infirm Persons Protection Act, 1912. Some of these estates have been difficult and complicated, but the machinery of the Office enables it to carry on the administration with facility and efficiency. Although somewhat akin to the administration of mental patients' estates, as has been previously pointed out, the powers afforded by the Aged and Infirm Persons Protection Act, 1912, are much more restricted than those under the Mental Defectives Act. These restrictions considerably hamper the administration of these estates, and it would be advisable when suitable occasion arises to have the powers of a manager extended somewhat on the lines of those provided in respect to mental-patient estates.

A notable departure in the matter of legislation is the provision contained in section 26 of the Act in reference to the wills of protected persons. By this section it is provided as follows :—

(1.) The Court may direct in any case that any testamentary disposition by a protected person after the making of a protection order shall be made only after such precautions as the Court thinks fit to direct, and any testamentary disposition made otherwise than as the Court shall so direct shall be ineffectual for all purposes.

(2.) The Court may, by such means as it thinks fit, cause inquiries to be made as to the existence of any will or codicil made and executed by the protected person prior to the making of the protection order (whether such will or codicil was made before or after the passing of this Act), and may direct that any such will or codicil shall be deposited in the Court. If it shall appear to the Court that such will or codicil was made when the person making the same was subject to any of the incapacities defined in section four or five of this Act, the Court may inspect such will or codicil, and may cause inquiries to be made, in such manner as to the Court seems fit, whether such will or codicil expresses the present desire and intention of the protected person, and, if satisfied to the contrary, may in any case where such course is possible cause the present desire and intention of the protected person to be ascertained to its satisfaction, and may authorize the execution by the protected person of a new will disposing of his estate in accordance with such present desire and intention.

(3.) Except as provided in this section, nothing in this Act shall affect the law relating to testamentary dispositions.

It will be seen that this section contemplates two aspects in regard to the wills of protected persons, namely : (a) The making of a will by a protected person after the protection order has been made ; (b) consideration of any will or codicil made prior to such protection order.

During the past year the question of the wills of protected persons came up for consideration by leading counsel. It is considered that where a protection order has been made the aid of the Court should be invoked in terms of section 26 (1) before any will is prepared for a protected person. When the Court has decided that a protected person is unable to manage his own affairs and has vested their management in a manager, it will be understood that the question of testamentary capacity is often a difficult one to decide. If, then, a protected person indicates a desire to make a fresh will, in suitable cases application to the Court should be made either in the name of the manager or of the protected person.

As to wills made previous to the making of a protection order, in many cases it will be necessary to apply to the Court for an inquiry under subsection (2) of the foregoing section. The purpose of such inquiry is to enable the Court to make a pronouncement as to the validity or otherwise of the will during the lifetime of the testator. Seeing that the necessary machinery for making such an application is readily available, it will be advisable in many cases to take advantage of that machinery and to obtain a definite pronouncement before the testator's death whilst the circumstances of the case are still comparatively fresh in the minds of those concerned and before many of those who might have been called as witnesses have themselves died.