a person is able to manage his own affairs, control of his estate may be handed over to him. Thus, the question for the Public Trustee to determine is whether such persons should be allowed to manage their own estates. This is an important discretionary power, and it has to be carefully exercised in order that the persons themselves and those dependent upon them are properly protected. At times the relatives and well-intentioned persons acting for these people fail to realize that when he feels called upon to refuse to relinquish the control of the estate the Public Trustee is merely faithfully fulfilling his duty and doing his best to protect the interests of the person concerned. A number of cases under this provision came up for consideration during the year, some of them containing special features and presenting considerable difficulty.

Aged and Infirm Persons Protection Act, 1912.

80. To the classes of persons who require protection, either in their own interests or in the interests of society, the law of New Zealand has added another class. In accordance with the title of the statute which is the source of this protection these persons are usually described as "protected" or "aged and infirm" persons, though the Act can be applied to persons who are not necessarily aged or infirm in the strict sense of the term. This statute was first enacted in 1912. The status acquired by a person to whom it is applied is not universally recognized in the legal systems of the Great Powers. It is generally conceded that there are persons who are not minors, insane, or mentally defective in the usual sense of the term, but who are according to any normal, average, or reasonable standard incompetent to manage their own property or their affairs. In obedience to conscientious considerations of social policy, protection has been granted in this Dominion in these cases. Naturally, the same considerations do not exist in every country, and the problem has not been solved in every country or by precisely the same means. The status created by the Aged and Infirm Persons Protection Act, 1912, is unknown to the law of England, but it reminds one of that of the *prodigi interdicti* of the Roman law, who were interdicted from squandering their paternal property, the administration of which was entrusted to a curator. The status is analagous in part to that created by the law of France. By the Code Napoléon a French subject of extravagant habits may be adjudged to be a prodigal and be restrained from dealing with his movable property without the consent of a legal adviser. The Public Curator Act, 1915, in Queensland has a more or less similar effect, and a few of the States of the United States of America have engrafted on to their legal systems legislation somewhat on these lines. The Office experience has shown that the Aged and Infirm Persons Protection Act is an advanced piece of legislation, and if wisely and sympathetically administered it proves a beneficent one in practice, and has in every way fully justified its existence. As its operation is not as well known as might be, I feel it proper to refer to it at some length here.

81. The Act has two main objects in view. One of these is to provide an alternative means to that provided by the lunacy laws for protecting the property of mentally defective persons whose condition is such that it is not necessary to detain them in mental institutions or in the custody of other lawful authority. It will be seen from the Act that it is expressly provided therein that a protection order may be made although it may appear to the Court that the person protected is a mental defective or that the estate is one which might be administered under the law governing mental defectives.

82. If a mentally defective person is detained in a mental hospital or otherwise in pursuance of any order made by lawful authority, in either of which cases he is technically described as a mental patient, an administrator, in the person of the Public Trustee, becomes committee by operation of law, unless a committee is appointed by the Court. All mentally defective persons, however, are not detained in mental hospitals or under other lawful authority. In many cases the circumstances—*e.g.*, the nature and effect of the disease, the habits of the victim, his associations, surroundings, &c.—render it unnecessary to deprive him of his freedom. It will be at once recognized that in extreme old age the vital powers frequently become so enfeebled that a person in this condition is not sufficiently normal, in the accepted signification of that term, to care in a