

Act No. 4, 1898.

An Act for consolidating Enactments relating to
Trusts and Trustees. [27th July, 1898.]

TRUSTEE.
—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Trustee Act, 1898," and is divided into Parts as follows, that is to say—

PART I.—POWERS AND DUTIES OF TRUSTEES, EXECUTORS, AND ADMINISTRATORS—ss. 4-24.

PART II.—POWERS OF THE COURT—ss. 25-58.

PART III.—PAYMENT INTO COURT OF TRUST FUNDS—ss. 59-63.

PART IV.—MISCELLANEOUS PROVISIONS—ss. 64-70. **2.**

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Repeal of Acts.

2. (1) The Acts mentioned in the Schedule to this Act, to the extent to which the same are there expressed to be repealed, are hereby repealed.

(2) All rules of Court made under the authority of any Act hereby repealed and being in force at the passing of this Act shall be deemed to have been made under the authority of this Act.

Interpretation.

3. (1) In the construction of this Act, except where otherwise expressed or the context otherwise requires—

The words “the Court” mean the Supreme Court in its equitable jurisdiction.

The word “instrument” includes wills and Acts of Parliament.

The words “personal representative” mean executor or administrator or the Curator of Intestate Estates.

The word “decree” includes order.

26 Vic. No. 12, s. 70.

(2) In the construction of Part I of this Act—

The term “mortgage” shall include every instrument by virtue whereof land is in any manner conveyed, assigned, pledged, or charged as security for the repayment of money or money’s worth lent, and to be reconveyed, reassigned, or released on satisfaction of the debt, and the terms “mortgagor” and “mortgagee” shall be interpreted accordingly.

16 Vic. No. 19, s. 2.

(3) In the construction of Part II and sections sixty-two, sixty-five, and sixty-six of this Act—

The words “assign” “or assignment” mean the execution and performance by a person of every necessary or suitable deed or act for assigning, surrendering, or otherwise transferring lands of which such person is possessed, either for the whole estate of the person so possessed or for any less estate.

The words “contingent right” as applied to lands, mean a contingent or executory interest, a possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility be or be not ascertained; also a right of entry, whether immediate or future, and whether vested or contingent.

The words “convey” and “conveyance,” applied to any person, mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another lands whereof such person is seised or entitled to a contingent right, either for the whole estate of the person conveying or disposing, or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance, including the acts to be performed by married women and tenants in tail, in accordance with the provisions of any Act

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or Acts from time to time in force giving effect to conveyances by such persons as if fines with proclamations had been levied or common recoveries suffered.

The word "devisee," in addition to its ordinary signification, means the heir or next of kin of a devisee, and the devisee of an heir or of any next of kin, and generally any person claiming an interest in the lands of a deceased person, not as heir or next of kin of such deceased person, but by a title dependant solely upon the operation of the laws concerning devise and descent.

The words "insane person" mean any person who has been declared to be an insane person by the Supreme Court in its lunacy jurisdiction, or who has been found to be a lunatic upon a commission of inquiry in the nature of a writ de lunatico inquirendo.

The word "mortgage" is applicable to every estate, interest, or property in lands or personal estate which would, in a court of equity, be deemed merely a security for money.

The expression "person of unsound mind" means any person not an infant who is incapable, from infirmity of mind, to manage his own affairs, but is not an insane person as above defined.

The word "possessed" is applicable to any vested estate less than a life estate, at law or in equity, in possession or in expectancy in any lands.

The word "seised" is applicable to any vested estate for life, or of a greater description, at law and in equity, in possession or in futurity in any lands.

The word "stock" so far as relates to vesting orders means any fund, annuity, or security transferable in books kept by any company or society established or to be established, or transferable by deed alone, or by deed accompanied by other formalities, and any share or interest therein.

The word "transfer" means the execution and performance of every deed and act by which a person entitled to stock can transfer such stock from himself to another.

The word "trust" does not mean the duties incident to an estate conveyed by way of mortgage, but, with this exception, the words "trust" and "trustee" extend to and include implied and constructive trusts, and cases where the trustee has some beneficial estate or interest in the subject of the trust, and extend to and include the duties incident to the office of personal representative of a deceased person.

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PART I.

POWERS AND DUTIES OF TRUSTEES, EXECUTORS, AND ADMINISTRATORS.

Investment of trust funds.

Investment of trust funds.
13 Vic. No. 19.
26 Vic. No. 12, ss. 32, 35, 61.

4. (1) Trustees, executors, and administrators may—

(a) Invest trust funds in—

- (i) Any public funds or Government stock or Government securities.
- (ii) Real securities in any part of New South Wales.
- (iii) Any of the stocks, funds, or securities in or upon which by any general order, cash under the control of the Court, may from time to time be invested.

(b) Call in any trust funds invested in any other security than as aforesaid, and invest the same on any such securities as aforesaid :

(c) From time to time vary any such investment as aforesaid for others of the same nature :

Substitution of investments in England for investments in New South Wales, and *vice versa*.
Ibid. s. 33.

(2) (a) Any person who, under or by virtue of any direction, trust, or power given, created, or reserved in any will, marriage or other settlement of real or personal property or other deed, agreement, or writing, is expressly authorised or directed to lend money at interest on real or Government securities in New South Wales, or on real or Government securities in England may in like manner as so authorised and directed in all other respects lend the same or any part thereof at interest on real or Government securities in England or New South Wales, *mutatis mutandis*, and such person shall not on account of so lending money be deemed in a court of equity guilty of any breach of trust or held accountable further or otherwise than as if the money had been laid out by him on real or Government securities where so expressly authorised or directed.

(b) Every such loan in which any minor or unborn child or person of unsound mind is or may be interested shall be made under the order of the Court made upon petition or motion with proper notice.

(c) No such loan shall be made without the consent of any person whose consent may be required to the investment so expressly authorised or directed testified in the manner required by such direction, trust, or power.

(d) Nothing herein contained shall be construed to relieve any person entrusted or clothed with such direction, trust, or power, as aforesaid, from any responsibility as to title, security, or otherwise, either at law or in equity, save as aforesaid.

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5. Trustees, executors, or administrators having power to invest their trust funds upon Government securities or upon or public parliamentary stocks, funds, or securities, or any of them, shall be at liberty to invest such trust funds or any part thereof in any of the stocks, funds, or securities in or upon which, by any general order, cash under the control of the Court may from time to time be invested.

Investment in authorised court investments.
26 Vic. No. 12, s. 35.

Appointment of new trustees.

6. (1) Whenever any trustee, either original or substituted, and whether appointed by the Court or otherwise, dies, or desires to be discharged from, or refuses, or becomes unfit or incapable to act in the trusts or powers in him reposed before the same have been fully discharged and performed, the person nominated for that purpose by the instrument creating the trust (if any), or if there be no such person or no such person able and willing so to act, the last retiring trustee or the surviving or continuing trustee for the time being, or the acting executors or administrators of the last surviving and continuing trustee may, by instrument in writing, appoint any new trustee in the place of the trustee so dying or desiring to be discharged, or refusing, or becoming unfit or incapable to act as aforesaid.

Appointment of new trustees.
Ibid. s. 63.
56 Vic. No. 27,
ss. 1 and 2.
No. 38, 1897, s. 1.

(2) So often as any new trustee is so appointed as aforesaid all the property (if any) which for the time being is vested in the surviving or continuing trustee, or in the heir, executors, or administrators of any trustee, or in the Chief Justice or senior Puisne Judge for the time being by virtue of the Probate Act of 1890, or any act amending or consolidating the same, or in the trustee so desiring to be discharged, or refusing, or becoming unfit or incapable to act as aforesaid, and is subject to the trust in respect of which the new trustee is appointed, shall, by virtue of such instrument and without other assurance in the law, become and be conveyed, assigned, and transferred so that the same shall thereupon become and be legally and effectually vested in such new trustee, either solely or jointly with the surviving or continuing trustee as the case may require.

Vesting of estate without conveyance.

(3) Every new trustee to be appointed as aforesaid shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the instrument (if any) creating the trust.

New trustee to have the powers, &c., of original trustee.

7. The power of appointing new trustees hereinbefore contained may be exercised in cases where a trustee nominated in a will has died in the life time of the testator.

Appointment where trustee predeceases testator.
26 Vic. No. 12, s. 64.

Powers of sale and purchase.

8. (1) Where any testator has charged his real estate, or any specific portion thereof, with the payment of his debts, or of any legacy or other specific sum of money, but has not made any express provision

Powers of sale for the purpose of raising sums of money charged by a testator.
Ibid. ss. 14, 15, 16, for 17, 18.

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for the raising thereof, the amount required may be raised by sale by public auction or private contract of the estate so charged, or any part thereof, or by a mortgage of the same, or partly in one mode and partly in the other; and in any such mortgage such rate of interest may be reserved, and such period of repayment fixed as the person executing the same thinks proper.

Who may exercise the powers..

(2) The preceding powers may be exercised by the persons following, that is to say,—

(a) if the estate so charged is devised by the testator to a trustee for the whole of the testator's estate or interest therein, by—

(i) such trustee; or

(ii) the person in whom the estate so charged is vested by survivorship, descent, or devise; or

(iii) any person appointed to succeed to the trusteeship in the place of such trustee;

(b) if the estate so charged is not devised in such terms that the whole of the testator's estate or interest becomes vested in any trustee, by—

(i) the executor for the time being named in the will (if any); or

(ii) the person (if any) in whom for the time being the executorship is vested.

(3) A sale or mortgage under this Act shall only operate on the testator's interest, whether legal or equitable, and shall not prevent the necessity for getting in any outstanding subsisting legal estate.

Purchasers not bound to inquire.

(4) Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by this section have been duly and correctly exercised by the person acting in virtue thereof.

Provisions of this section not to affect certain dealings,

(5) The provisions contained in this section shall not in any way prejudice or affect any sale or mortgage made, or to be made, under or in pursuance of any will coming into operation before the nineteenth day of December, one thousand eight hundred and sixty-two, but the validity of such sale or mortgage shall be ascertained and determined in all respects as if this Act and the Trust Property Act of 1862 had not been passed.

nor to apply to devisees in fee or in tail,

(6) The provisions of this section shall not extend to a devise to any person in fee or in tail, or for the testator's whole estate and interest charged with debts or legacies, nor shall they affect the power of any such devisee to sell or mortgage, as he may by law now do.

nor to affect the provisions of the Probate Act of 1890,

(7) Nothing in this section contained shall be interpreted as affecting or controlling the provisions of the Probate Act of 1890, or any Act amending or consolidating the same, but this section shall operate only so far as it is not inconsistent with the said Acts.

Trustees for sale may sell in lots and either by auction or private contract.
Ibid. s. 38.

9. Where a power of sale over any hereditaments is vested by any instrument either generally or in any particular event in any person, such person may (whether the hereditaments are vested in him or not) exercise

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exercise such power by selling the hereditaments either together or in lots by auction or private contract, and at one time or several times, and (if the power expressly authorises an exchange) may exchange the hereditaments which for the time being are subject to the uses or trusts of such instrument for any other hereditaments in New South Wales or other specified colony or country, and upon any such exchange may give or receive any money for equality of exchange.

10. The person making any such sale or exchange may insert any such stipulations either as to title or evidence of title or otherwise in any conditions of sale or contract for sale or exchange as he thinks fit, and may also buy in the hereditaments or any part thereof at any sale by auction, and may rescind or vary any contract for sale or exchange, and may resell the hereditaments which are so bought in or as to which the contract is so rescinded without being responsible for any loss which may be occasioned thereby, and no purchaser under any such sale shall be bound to inquire whether the person making the same may or may not have in contemplation any particular reinvestment of the purchase money in the purchase of any other hereditaments or otherwise.

Sale may be made under special conditions, and trustees may buy in, &c.
26 Vic. No. 12, s. 39.

11. For the purpose of completing any such sale or exchange as aforesaid the person empowered to sell or exchange as aforesaid shall have full power to convey or otherwise dispose of the hereditaments in question, either by way of revocation and appointment of the use or otherwise as may be necessary.

Trustees exercising power of sale, &c., empowered to convey.
Ibid. s. 40.

12. (1) The money received upon any such sale or for equality of exchange as aforesaid shall be laid out in the manner indicated in that behalf in the instrument containing the power of sale or exchange, or if no such indication be therein contained as to all or any part of such money, then the same shall with all convenient speed be laid out in the purchase of other hereditaments in fee simple in possession in New South Wales, or other specified colony or country, or of lands of a leasehold tenure, which in the opinion of the persons making the purchase are convenient to be held therewith, or with any other hereditaments for the time being subject to the subsisting uses or trusts of the same instrument in which the power of sale or exchange was contained.

Moneys arising from sales, &c., to be laid out in other lands.
Ibid. s. 41.

(2) All freehold hereditaments purchased or taken in exchange as aforesaid shall be settled and assured upon the same uses and trusts, and for the same intents and purposes and subject to the same powers, provisos, and declarations as the hereditaments sold or given in exchange, or as near thereto as the deaths of parties and other intervening accidents admit of, but not so as to increase or multiply charges.

freehold ;

(3) All leasehold hereditaments purchased or taken in exchange as aforesaid shall be settled and assured upon, and for such trusts, intents, and

or leasehold.

and

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and purposes, and subject to such powers, provisos, and declarations as correspond as nearly as may be with and are similar to the aforesaid uses, trusts, intents, and purposes, powers, provisos, and declarations, but not so as to increase or multiply charges, and so that if any of the hereditaments so purchased are held by lease for years, the same shall not vest absolutely in any tenant in tail by purchase who shall not attain the age of twenty-one years.

(4) Any such purchase as aforesaid may be made subject to any special condition as to title or otherwise.

(5) No leasehold tenement shall be purchased under the powers in this section contained which is held for a less period than sixty years.

Or in payment of
incumbrances.
26 Vic. No. 12, s. 42.

13. The person exercising any such power as aforesaid, in lieu of applying any money to be received upon any sale or for equality of exchange as aforesaid or any part thereof in purchasing lands therewith, may apply the same in or towards paying off or discharging any mortgage or other charge or incumbrance which shall or may affect all or any of the hereditaments which shall then be subject to the same uses or trusts as the hereditaments sold or given in exchange.

Until purchase of
lands, &c., money to
be invested at
interest.
Ibid. s. 43.

14. Until the money to be received upon any sale or for equality of exchange as aforesaid is disposed of in the manner herein mentioned, the same shall be invested at interest for the benefit of the same parties, who would be entitled to the hereditaments to be purchased therewith as aforesaid, and to the rents and profits thereof in case such purchase and settlement as aforesaid were then actually made.

Trustees of renew-
able leaseholds may
renew.
Ibid. s. 44.

15. (1) Trustees of any leaseholds which are renewable from time to time either under any covenant or contract or by custom or usual practice may obtain, and if thereunto required by any person having, any beneficial interest present or future or contingent in such leaseholds, shall use their best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms, and for that purpose such trustees may from time to time make or concur in making such surrender of the lease for the time being subsisting, and may do all such other acts as are requisite in that behalf.

(2) This section is not to apply to any case where by the terms of the settlement or will, the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew the lease or to contribute to the expense of renewing the same.

Money for equality
of exchange and for
renewal of leases
may be raised by
mortgage, &c.
Ibid. s. 45.

16. (1) In case any money is required for the purpose of paying for equality of exchange as aforesaid or for renewal of any lease as aforesaid, the person effecting such exchange or renewal may pay the same out of any money which may then be in his hands in trust for the persons beneficially interested in the lands to be taken in exchange or
comprised

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comprised in the renewed lease, whether arising by any of the ways and means hereinbefore mentioned or otherwise, and notwithstanding the provisions for the application of money arising from sales or exchanges hereinbefore contained, and if he has not in his hands as aforesaid sufficient money for the purposes aforesaid, such person may raise the money required by mortgage of the hereditaments to be received in exchange or contained in the renewed lease (as the case may be), or of any other hereditaments for the time being subject to the subsisting uses or trusts to which the hereditaments taken in exchange or comprised in the renewed lease (as the case may be) are subject, and for the purpose of effecting such mortgage such person shall have the same powers of conveying or otherwise assuring as are herein contained with reference to a conveyance on sale.

(2) No mortgagee advancing money upon such mortgage purporting to be made under this power shall be bound to see that such money is wanted or that no more is raised than is wanted for the purposes aforesaid.

17. No such sale or exchange as aforesaid and no purchase of hereditaments out of money received on any such sale or exchange as aforesaid shall be made without the consent of the person appointed to consent by the instrument, or if no such person be appointed then of some person not being under disability entitled in possession to the receipt of the rents and profits of such hereditaments, but this clause shall not be taken to require the consent of any person where it appears from the instrument to have been intended that such sale, exchange, or purchase should be made by the person making the same without the consent of any other person.

No sale, &c., to be made without consent of tenant for life, &c.

26 Vic. No. 12, s. 46.

Miscellaneous powers.

18. (1) In all cases where any property is held by trustees in trust for an infant, either absolutely or contingently on his attaining the age of twenty-one years, or on the occurrence of any event previously to his attaining that age, such trustees may pay to the guardian (if any) of such infant, or may otherwise apply for or towards the maintenance or education of such infant, the whole or any part of the income to which such infant may be entitled in respect of such property, whether there be any other fund applicable to the same purpose or any other person bound by law to provide for such maintenance or education or not, and such trustees shall accumulate all the residue of such income by way of compound interest by investing the same, and and the resulting income thereof from time to time, in proper securities for the benefit of the person who shall ultimately become entitled to the property from which such accumulation has arisen :

Trustees may apply income of property of infants, &c., for their maintenance.

Ibid. s. 62.

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(2) Provided that such trustees may at any time apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Trustee, &c., making payment under power of attorney not to be liable by reason of death of party giving such power.

26 Vic. No. 12, s. 20.

19. (1) No trustee, executor, or administrator making any payment or doing any act *bonâ fide* under or in pursuance of any power of attorney shall be liable for the moneys so paid or the act so done by reason that the person who gave the power of attorney was dead at the time of such payment or act, or had done some act to avoid the power: Provided that the fact of the death or of the doing of such act as last aforesaid at the time of such payment or act *bonâ fide* done as aforesaid by such trustee, executor, or administrator is not known to him.

(2) Nothing herein contained shall in any manner affect or prejudice the right of any person entitled to the money against the person to whom such payment has been made, but such person so entitled shall have the same remedy against such person to whom such payment is made as he would have had against the trustee, executor, or administrator if the money had not been paid away under such power of attorney.

Trustee, executor, &c., may apply by petition for opinion, advice, &c., in management, &c., of trust property.

Ibid. s. 30.

20. (1) Any trustee, executor, or administrator may, without the institution of a suit, apply by petition or by summons upon a written statement to the Chief Judge in Equity for his opinion, advice, or direction on any question respecting the management or administration of the trust property or the assets of any testator or intestate; such application to be served upon, or the hearing thereof to be attended by, all persons interested in such application, or such of them as the said Judge thinks expedient, and the trustee, executor, or administrator acting upon the opinion, advice, or direction given by the said Judge shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor, or administrator in the subject matter of the said application:

Trustee following the advice is indemnified in the absence of fraud.

(2) This Act shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such opinion, advice, or direction of such Judge if such trustee, executor, or administrator shall have been guilty of any fraud or wilful concealment or misrepresentation in obtaining such opinion, advice, or direction:

Application, how made.

(3) Every such petition or statement shall be signed by the party, his counsel, or solicitor, and the Judge may require the petitioner or applicant to attend him in Chambers or in Court when he deems it necessary, and such party may appear by counsel or solicitor, and the costs of such application as aforesaid shall be in the discretion of the Judge to whom the said application is made.

Tenants for life, &c., may execute powers notwithstanding incumbrances.

Ibid. s. 66.

21. For the purposes of this Part of this Act, a person shall be deemed to be entitled to the possession or to the receipt of the rents and income of land or personal property, although his estate may be charged

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charged or incumbered either by himself or by any former owner, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and income as aforesaid unless they concur therein.

22. None of the powers or incidents hereinbefore conferred or annexed to particular offices, estates, or circumstances shall take effect or be exercisable if it is declared in the instrument creating such offices, estates, or circumstances that they shall not take effect; and where there is no such declaration, then if any variations or limitations of any of such powers or incidents are contained in such instrument, such powers or incidents shall be exercisable or shall take effect only subject to such variations or limitations.

Powers, &c., hereby given may be negated by express declaration.
26 Vic. No. 12, s. 67.

23. Nothing hereinbefore contained shall be deemed to empower any trustee or other person to deal with or affect the estates or rights of any person whomsoever, except to the extent to which such trustee or other person might have dealt with or affected the estates or rights of such person if the instrument under which such trustee or other person is empowered to act had contained express powers for him so to deal with or affect such estates or rights.

No persons other than those entitled under the settlement, &c., to be affected.
Ibid. s. 68.

24. This Part of this Act, except where otherwise provided for, extends to all instruments and trusts coming into operation as well before as after the passing of this Act.

Operation of this Part of the Act.
Ibid. s. 69.

PART II.

POWERS OF THE COURT.

Appointment of new trustees.

25. In all cases where it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, the Court may make an order for the appointment of a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee or trustees.

Court may appoint new trustees generally,
16 Vic. No. 19, s. 30.
17 Vic. No. 4, s. 9.

26. Where any trustee of lands or stock has been or is convicted of felony, the Court may, upon proof of such conviction, appoint a new trustee in the place of the trustee so convicted.

or in place of trustee convicted of felony,
17 Vic. No. 4, s. 8.

27. In every case in which the Court has jurisdiction under this Act to order a conveyance or transfer of lands or stock, or to make a vesting order, the Court may also make an order appointing a new trustee or new trustees.

and when empowered to make a vesting order.
Ibid. s. 10.

28. (1) An order by the Court for the appointment of a new trustee, and any conveyance, assignment, or transfer consequential thereon, shall not operate further or otherwise as a discharge to any

Effect of order appointing new trustee.
16 Vic. No. 19, s. 24.

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former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have operated.

16 Vic. No. 19, s. 31. (2) The person who is appointed trustee by the Court under the provisions of this Act shall have all the same rights and powers as he would have had if appointed by a decree in a suit duly instituted.

26 Vic. No. 12, s. 63. (3) Every trustee appointed by the Court, whether under the provisions of this Act or not, shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the instrument (if any) creating the trust.

Vesting orders.

Vesting orders of
lands or a contin-
gent right in lands.
16 Vic. No. 19, s. 32.
17 Vic. No. 4, s. 8.

29. In any of the following cases, namely :—

- (1) Where the Court appoints or has by a previous order appointed a new trustee ; and
- (2) When a trustee seised or possessed of any land, or entitled to a contingent right therein, either solely or jointly with any other person,
 - (a) is an infant ;
 - (b) is an insane person or person of unsound mind ;
 - (c) is out of the jurisdiction of the Court ;
 - (d) cannot be found ; and
- (3) Where it is uncertain who was the survivor of two or more trustees jointly seised or possessed of any lands ; and
- (4) Where, as to the trustee last known to have been seised or possessed of any lands, it is not known whether he be living or dead ; and
- (5) Where there is no heir or personal representative of a trustee who was seised or possessed of land and has died intestate as to that land, or where it is not known who is the heir, personal representative, or devisee of a trustee who was seised or possessed of land and has died ; and
- (6) Where a trustee is jointly or solely seised or possessed of any lands or entitled to a contingent right therein, and has wilfully refused or neglected to convey or assign the said lands or release such right for the space of twenty-eight days after demand has been made upon him to convey or assign the said lands or release the said right by a person entitled to require a conveyance or assignment of the said lands or a release of such right, or a duly authorised agent of such person ;

The Court may make an order (in this Act called a vesting order) vesting the land subject to the trust in any such person in any such manner and for any such estate as the said Court may direct, or releasing
or

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or disposing of such contingent right as aforesaid to such person as the said Court may direct :

Provided that—

- (1) When such order is consequential on the appointment of a new trustee, such land shall be vested for such estate as the Court may direct in the persons who, on the appointment, are the trustees ; and 16 Vic. No. 19, s. 32.
17 Vic. No. 4, s. 8.
- (2) When the order relates to a trustee seised or possessed of any lands jointly with another person, or entitled to a contingent right in any lands jointly with another person, the lands or right shall be vested in such other person either alone or with some other person. 16 Vic. No. 19,
ss. 10, 12.

30. When any lands are subject to a contingent right in an unborn person or class of unborn persons, who, upon coming into existence, would, in respect thereof, become seised or possessed of such lands upon any trust, the Court may make an order which shall wholly release and discharge such lands from such contingent right in such unborn person or class of unborn persons, or an order which shall vest in any person the estate which such unborn person or class of unborn persons would, upon coming into existence, be seised or possessed of in such lands. Contingent right of
unborn trustee.
Ibid. s. 16.

31. When any person seised or possessed of any lands by way of mortgage, or entitled to any contingent right in any lands by way of mortgage, is Vesting of lands of
infant or insane
mortgagee.

- (a) an infant ; *Ibid.* ss. 7, 8.
- (b) an insane person or person of unsound mind ; *Ibid.* ss. 3, 4,

The Court may make an order vesting the lands of which such person is so seised or possessed, or releasing or disposing of such contingent right, in like manner as in the case of a trustee being an infant, or insane person, or person of unsound mind.

32. When a mortgagee of lands has died without having entered into the possession or into the receipt of the rents and profits thereof, and the money due in respect of such mortgage has been paid to a person entitled to receive the same, or such last-mentioned person consents to an order for the reconveyance of such lands, then in any of the following cases the Court may make an order vesting such lands in such person in such manner and for such estate as the Court shall direct, that is to say— Power to convey in
place of mortgagee.
Ibid. s. 19.

- (a) When an heir, personal representative, or devisee of such mortgagee is out of the jurisdiction of the Court or cannot be found ;
- (b) When an heir, personal representative, or devisee of such mortgagee, upon a demand by a person entitled to require a conveyance of such lands or a duly authorised agent of such last-mentioned person has stated in writing that he will not convey the

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the same or does not convey the same for the space of twenty-eight days next after a proper deed for conveying such lands has been tendered to him by a person entitled as aforesaid or a duly authorised agent of such last-mentioned person ;

- (c) When it is uncertain which of several devisees of such mortgagee was the survivor ;
- (d) When it is uncertain as to the survivor of several devisees of such mortgagee, or as to the heir or personal representative of such mortgagee whether he be living or dead ;
- (e) When there is no heir or personal representative of a mortgagee who has died intestate as to such lands, or when a mortgagee has died and it is not known who is his heir, personal representative, or devisee.

When a decree is made for sale of real estate for payment of debts.

16 Vic. No. 19, s. 27

33. When a decree has been made by the Court directing the sale of any lands for the payment of the debts of a deceased person, every person seised or possessed of such lands, or entitled to a contingent right therein by reason of the intestacy or under the will of such deceased debtor, as the case may be, shall be deemed to be so seised or possessed or entitled, as the case may be, upon a trust within the meaning of this Act, and the Court is hereby empowered to make an order wholly discharging the contingent right under the will of such deceased debtor of any unborn person.

Court may vest the estate in lieu of conveyance by a party to the suit after a decree or order for sale.

17 Vic. No. 4, s. 1.

34. (1) When any decree has been made by the Court directing the sale of any lands for any purpose whatever, every person seised or possessed of such land or entitled to a contingent right therein being a party to the suit or proceeding in which such decree has been made and bound thereby, or being otherwise bound by such decree, shall be deemed to be so seised or possessed or entitled (as the case may be) upon a trust within the meaning of this Act.

(2) In every such case the Court, for the purpose of carrying such sale into effect, may make an order vesting such lands or any part thereof for such estate as the Court thinks fit, either in any purchaser or in such other person as the Court directs.

Court to declare what parties are trustees of lands comprised in any suit and as to the interests of persons unborn.

16 Vic. No. 19, s. 28.

35. Where any decree is made by the Court for the specific performance of a contract concerning any lands, or for the partition or exchange of any lands, or generally when any decree is made for the conveyance or assignment of any lands, either in cases arising out of the doctrine of election or otherwise, the Court may declare that any of the parties to the said suit wherein such decree is made are trustees of such lands or any part thereof within the meaning of this Act, or may declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased, who was during his lifetime a party to the contract or transactions concerning which such decree is made, that

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that such interests of unborn persons are the interests of persons who upon coming into existence would be trustees within the meaning of this Act, and thereupon the Court may make a vesting order as to the estates, rights, and interests of such persons born or unborn as if they had been trustees.

36. (1) A vesting order under any of the foregoing provisions shall in the case of a vesting order consequential on the appointment of a new trustee, have the same effect as if the person (if any) who before such order was the trustee had duly executed all proper conveyances and assignments of such lands for such estate as by the vesting order is directed, or if there is no such person, or no such person of full age or capacity, then as if such person had existed and been of full age and capacity, and had duly executed all proper conveyances of the land for such estate as by the vesting order is directed.

Effect of vesting order of lands.
16 Vic. No. 19, s. 32.
17 Vic. No. 4, s. 8.
16 Vic. No. 19, ss. 3, 4, 7, 8, 9, 10, 11, 12, 13.

(2) In every other case a vesting order under any of the foregoing provisions shall have the same effect as if the trustee or other person or description or class of persons to whose rights, or supposed or possible rights, the said provisions respectively relate, had been an ascertained and existing person of full age and capacity, and had duly executed a conveyance or assignment or release in the same manner for the same estate and to the same effect as such vesting order.

(3) Nothing in this section contained shall be taken as modifying or controlling the provisions of section one hundred and nine of the Real Property Act, but this section shall be read subject to such provisions.

37. In every case where the Court can make a vesting order under the foregoing provisions the Court may, if it be more convenient, make an order appointing a person to convey or assign the lands or release or dispose of the contingent right, as the case may be, and the conveyance or assignment or release or disposition of such person shall, when in conformity with the terms of the order by which he is appointed, have the same effect as an order of the Court would in the particular case have had under the provisions of this Act.

Court may appoint someone to convey.
16 Vic. No. 19, s. 20.

38. In any of the following cases, namely—

- (1) When the Court appoints or has by a previous order appointed a new trustee ; and
- (2) Where a trustee entitled solely or jointly with another person to stock or to any chose in action,
 - (a) is an infant ;
 - (b) is an insane person or person of unsound mind ;
 - (c) is out of the jurisdiction of the Court ;
 - (d) cannot be found ;
 - (e) is a person as to whom it is uncertain whether he be alive or dead ;

Vesting orders of stock or chose in action.
Ibid. s. 33.
17 Vic. No. 4, s. 3.
16 Vic. No. 19, ss. 5, 6.
Ibid. s. 21.

(f)

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16 Vic. No. 19,
ss. 22, 23.

(f) neglects or refuses to transfer stock, or receive the dividends or income thereof, or to sue for or recover any chose in action or any interest in respect thereof, according to the direction of the person absolutely entitled thereto for the space of twenty-eight days next after a request in writing for that purpose has been made to him by the person so entitled; and

17 Vic. No. 4, ss. 4,
5.

(3) When any person neglects or refuses to transfer any stock, or to receive the dividends or income thereof, or to sue for or recover any chose in action or any interest in respect thereof for the space of twenty-eight days next after an order of the Court for that purpose has been served upon him;

The Court may make an order (in this Act called a vesting order) vesting the right to transfer or to call for a transfer of stock or to receive the dividends or income thereof, and to sue for and recover a chose in action or any interest in respect thereof in such person as the Court may appoint:

Provided that—

16 Vic. No. 19, s. 33.

(1) Where the order is consequential on the appointment by the Court of a new trustee the right shall be vested in the persons who on such appointment are the trustees; and

Ibid. ss. 5, 21, 23.

17 Vic. No. 4, s. 3.

(2) Where the trustee whose right is dealt with by the vesting order was entitled jointly with another person the right shall be vested in such person either alone or jointly with any other person whom the Court may appoint.

Vesting order of
stock of insane
mortgagee.

16 Vic. No. 19, s. 5.

39. Where any person entitled solely or jointly with any other person by way of mortgage to any stock or to any chose in action is an insane person or person of unsound mind, the Court may make an order vesting the right to transfer or to call for a transfer of such stock, or to receive the dividends or income thereof, and to sue for and recover such chose in action, or any interest in respect thereof in the like manner as in the case where a trustee is an insane person or person of unsound mind.

Power to make
directions how the
right to transfer
stock to be exercised.

Ibid. s. 29.

40. The Court may make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act shall be exercised, and thereupon the person in whom such right is vested shall be compellable to obey such directions and declarations by the same process as that by which other orders under this Act are enforced.

Court may direct
officer of company
to transfer stock.

Ibid. s. 20.

41. In every case where the Court can, under the provisions of this Act, make an order vesting in any person the right to transfer any stock transferable in the books of any company or society established or to be established, the Court may also, if it be deemed more convenient, make an order directing any officer of such company or society at once to transfer or join in transferring the stock to the person named in the order.

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42. (1) When by any order being or purporting to be under this Act, the right to any stock or the right to transfer or call for the transfer of any stock is vested in any person, such right shall vest accordingly, and such person may execute all deeds and powers of attorney and perform all acts relating to the transfer of such stock into his own name or otherwise or relating to the receipt of the dividends thereof to the extent and in conformity with the terms of such order.

Powers of person in whom stock is vested.
16 Vic. No. 19, s. 25.
17 Vic. No. 4, s. 6.

(2) All companies and associations whatever and all persons are equally bound and compellable to comply with the requisitions of such person so appointed as aforesaid to the extent and in conformity with the terms of such order as such companies and associations or persons would have been bound and compellable to comply with the requisitions of the person in whose place such appointment has been made.

Companies to obey vesting order.

43. (1) Every order made or purporting to be made by the Court under this Act and duly passed and entered shall be a complete indemnity to all companies, associations, and all persons for any act done pursuant thereto; and it shall not be necessary for such company, association, or person to inquire concerning the propriety of such order or whether the Court had jurisdiction to make the same.

Indemnity to companies and others obeying vesting order.
Ibid. s. 25.
Ibid. s. 7.

(2) After notice in writing of any such order of the Court concerning any stock has been given, it shall not be lawful for any company or association whatever or any person having received such notice to act upon the requisition of the person in whose place an appointment has been made in any matter whatever relating to the transfer of such stock or the payment of the dividends or produce thereof.

16 Vic. No. 19, s. 25.

44. Where any order has been made under the provisions of this Act by the Court vesting the legal right to sue for or recover any chose in action or any interest in respect thereof in any person, such legal right shall vest accordingly, and such person may carry on, commence, and prosecute in his own name any proceeding at law or in equity for the recovery of such chose in action in the same manner in all respects as the person in whose place the appointment has been made could have sued for or recovered such chose in action.

Effect of an order vesting legal right in a chose in action.
Ibid. s. 26.

45. The Court may exercise the powers herein conferred for the purpose of vesting any lands, stock, or chose in action in the trustees of any charity or society over which charity or society the Court would have jurisdiction upon suit duly instituted whether such trustees have been duly appointed by any power contained in any instrument, or by the decree of the Court, or by order made upon a petition to the Court under any Act authorising the Court to make an order to that effect upon petition.

Trustees of charities.
Ibid. s. 43.

Procedure.

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Who may apply.
16 Vic. No. 19, s. 25.

46. (1) An order under any of the provisions contained in this Part of this Act for the appointment of a new trustee or concerning any land, stock, or chose in action subject to a trust may be made upon the application of any person beneficially interested in such land, stock, or chose in action, whether under disability or not, or upon the application of any person duly appointed as a trustee thereof.

(2) An order under any of the provisions contained in this Part of this Act concerning any land, stock, or chose in action subject to a mortgage may be made on the application of any person beneficially interested in the equity of redemption, whether under disability or not, or of any person interested in the moneys secured by such mortgage.

Power to go before
the Master in the
first instance.
Ibid. s. 36.

47. When any person deems himself entitled to an order under any of the provisions contained in this Part of this Act from the Court, he may exhibit before the Master in Equity a statement of the facts whereon such order is sought to be obtained and adduce evidence in support thereof, and if such evidence is satisfactory to the Master in Equity he shall, at the request of the person adducing such evidence, give a certificate under his hand of the several material facts found by him to be true, and of his opinion that such a person is entitled to an order in the form set forth in such certificate.

Power to apply to
the Court.
Ibid. s. 37.

48. Any person who has obtained such certificate may apply to the Court for an order to the effect set forth in such certificate or for such other order as such person may deem himself entitled to upon the facts found by the Master in Equity.

Powers of the
Master.
Ibid. s. 48.

49. (1) When any person applies under the provisions of this Act to the Master in Equity in the first instance and adduces evidence for the purpose of obtaining the certificate of the Master in Equity as a foundation for an order of the Court, the Master in Equity may order service of such application upon any person, or dismiss such application, and direct that the costs of any person consequent thereon shall be paid by the person making the same.

(2) All orders of the Master in Equity under this Act shall be enforced by the same process as orders of the Court made in any suit against a party thereto.

Power to apply to
the Court in the first
instance.
Ibid. s. 38.

50. Any person entitled in manner aforesaid to apply for an order from the Court may, should he so think fit, apply in the first instance to the Court for such order as he may deem himself entitled to, and may give evidence by affidavit or otherwise in support of such application before the Court, and may serve such persons with notice of such application as he may deem entitled to service thereof.

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51. Upon the hearing of any such application, the Court may, should it be deemed necessary, direct a reference to the Master in Equity to inquire into any facts which require such an investigation, or direct such application to stand over to enable the applicant to adduce evidence or further evidence before the Court, or to enable notice or any further notice of such application to be served upon any person.

What may be done upon application. 16 Vic. No. 19, s. 39.

52. Upon the hearing of any such application, whether any certificate or report from the Master in Equity has been obtained or not, the Court may dismiss such application with or without costs, or make an order thereupon in conformity with the provisions of this Act.

Court may dismiss application with or without costs. *Ibid.* s. 40.

53. Whensoever in any cause or matter, either by the evidence adduced therein or by the admissions of the parties or by a report of the Master in Equity, the facts necessary for an order under this Act appear to the Court to be sufficiently proved, the Court, either upon the hearing of the said cause, or of any application in the said cause or matter may make such order under this Act.

Power to make an order in a cause. *Ibid.* s. 41.

54. The Court may order the costs and expenses of and relating to the applications, orders, directions, conveyances, assignments, and transfers to be made in pursuance of this part of this Act, or any of them to be paid and raised out of or from the lands or personal estate, or the rents or produce thereof, in respect of which the same respectively are made, or in such manner as the Court thinks proper.

Costs may be paid out of the estate. *Ibid.* s. 49.

55. Upon any application being presented under this part of this Act to the Court concerning a person of unsound mind, the Court may direct an application to be made to the Supreme Court, in its lunacy jurisdiction, for the purpose of having such person declared an insane person, and may postpone making any order until such last-mentioned application has been heard.

Proceedings in lunacy may be directed. *Ibid.* s. 50.

56. Upon any application under this part of this Act being presented to the Court, the Court may postpone making any order upon such application until the right of the applicant has been declared in a suit duly instituted for that purpose.

Suit may be directed. *Ibid.* s. 51.

57. Where in any suit in the Supreme Court such Court is satisfied that diligent search and inquiry has been made after any person who in the character of trustee is made a defendant thereto and that he cannot be found, the said Court may hear and determine such suit, and make an absolute decree therein against such person in his character of a trustee in the same manner as if such trustee had been duly served and had entered an appearance in the suit, and had also appeared at the hearing thereof, but without prejudice to any interest he may have at the time of the decree in the matters in question in the suit otherwise than as a trustee as aforesaid.

Decree may be made in the absence of trustee. *Ibid.* s. 47.

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Orders made by the court founded on certain allegations to be conclusive evidence of the matter contained in such allegations.

16 Vic. No. 19, s. 42.

58. (1) Whenever any order is made under this Act for the purpose of conveying or assigning any lands, or for the purpose of releasing or disposing of any contingent right, and such order is founded on an allegation of the personal incapacity of a trustee or mortgagee, or on an allegation that a trustee or the heir or personal representative or devisee of a mortgagee is out of the jurisdiction of the Court or cannot be found, or that it is uncertain which of several trustees or which of several devisees of a mortgagee was the survivor, or whether the last trustee or the heir or personal representative or last surviving devisee of a mortgagee be living or dead, or on an allegation that any trustee or mortgagee has died intestate without an heir or without any personal representative having been appointed, or that he has died, and it is not known who is his heir or personal representative or devisee, then in any such cases the fact that the Court has made an order upon such an allegation shall be conclusive evidence of the matter so alleged in any Court of law or equity upon any question as to the legal validity of the order.

(2) Nothing herein contained shall prevent the Court directing a reconveyance or reassignment of any lands conveyed or assigned by any order under this Act, or a redistribution of any contingent right conveyed or disposed of by such order, and the Court may also direct any of the parties to any suit concerning such lands or contingent right to pay any costs occasioned by the order under this Act when the same appears to have been improperly obtained.

PART III.

PAYMENT INTO COURT OF TRUST FUNDS.

Trustee may pay trust funds into Court.

21 Vic. No. 7, s. 1.

59. Persons having in their hands or under their control any moneys belonging to any trust, or having under their control upon any trust any stocks or securities in the United Kingdom, or in New South Wales or any other British colony, or the majority of such persons, may pay such moneys to the Master in equity, or transfer or deposit such stocks or securities to or with the Master in equity with his privity in the matter of the particular trust in trust to attend orders of the Court.

Court may effectuate transfer, &c., by a majority of trustees.

Ibid. s. 2.

60. (1) If upon an application to the Court under this Act it appears to the Court that moneys, stocks, or securities are vested in any persons within the meaning of this Act, and that the major part of them are desirous (or where there are only two such persons that one of them is desirous) of paying or transferring or depositing the same under the provisions of this Act, but that for some reason the concurrence of the

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the other or others of them cannot be had, the Court may direct such payment or transfer or deposit to be made by the major part of them (or by one as the case may be) without the concurrence of the others or other of them.

(2) Where any such moneys, stocks, or securities are deposited with any banker, broker, or other depository, the Court may make an order for the payment or transfer or delivery thereof to the major part of such persons as aforesaid, or to one of them, for the purpose of being paid or deposited to or with the Master in equity.

(3) Every payment, transfer, and delivery in pursuance of any such order shall be as valid as if made on the authority or by the act of all the persons entitled to such moneys, stocks, or securities, and shall protect and indemnify all persons acting in pursuance of such order.

61. (1) The Court may make such order as it thinks fit in respect of the trust moneys, stocks, or securities paid in, transferred, or deposited as aforesaid, and for the investment and payment of such moneys, or of any dividends or interest on such stocks or securities, and for the transfer and delivery out of such stocks and securities, and for the administration of the trust generally upon an application by such party as to the Court appears to be competent in that behalf.

Court to make orders for application of trust moneys.
21 Vic. No. 7, s. 3.

(2) Notice of such application shall be given to such persons and in such manner as may be directed by the Court or by any general rule in that behalf, and every order made upon any such application shall have the same effect, and shall be enforced and subject to rehearing and appeal in the same manner as if made in a suit.

Notice of application.

(3) If it appears that any such funds cannot be safely distributed without the institution of a suit the Court may direct such suit to be instituted.

Suit may be directed to be instituted.

62. (1) Where any infant or person of unsound mind is entitled to any money payable in discharge of any lands, stock, or chose in action conveyed, assigned, or transferred under Part II of this Act, the person by whom such money is payable may pay the same to the Master in equity in trust in any cause then depending concerning such money, or if there is no such cause, to the credit of such infant or person of unsound mind subject to the order or disposition of the Court.

Certain moneys of infants and persons of unsound mind to be paid into Court.
16 Vic. No. 19, s. 46.

(2) The Court may make such order as it thinks fit as to the investment, payment, or distribution of the money so paid in or the dividends or income thereof.

63 The receipt or certificate of the Master in Equity for the moneys, stocks, or securities paid in, transferred, or deposited with him under the provisions of this Act shall be an effectual discharge therefor.

Receipt of Master to be a discharge to trustees.
21 Vic. No. 7, s. 1.

PART IV.

MISCELLANEOUS PROVISIONS.

Trustees' receipts.
22 Vic. No. 1, s. 23.

64. (1) All persons paying money to trustees entitled to receive the same shall be exonerated from liability in respect of the non-application or mis-application of such money unless such liability was expressly retained or imposed by the instrument creating the trust :

(2) Nothing in this section shall protect any person colluding with any trustee in a fraud or breach of trust, or any person claiming under him, unless such last-mentioned person be a purchaser or mortgagee for valuable consideration, and without notice of the fraud or breach of trust.

No escheat of
property held upon
trust or mortgage.
16 Vic. No. 19, s. 44.

65. No land, stock, or chose in action vested in any person upon any trust or by way of mortgage or any profits thereof shall escheat or be forfeited to Her Majesty by reason of the attainder or conviction for any offence of such trustee or mortgagee, but shall remain in such trustee or mortgagee or survive to his co-trustee, or descend or vest in his representative as if no such attainder or conviction had taken place.

Act not to prevent
escheat or forfeiture
of beneficial interest.
Ibid. s. 45.

66. Nothing contained in this Act shall prevent the escheat or forfeiture of any land or personal estate vested in any such trustee or mortgagee so far as relates to any beneficial interest therein of any such trustee or mortgagee, but such lands or personal estate, so far as relates to any such beneficial interest, shall be recoverable in the same manner as if this Act had not passed.

Divesting of trust
estates from the
Chief Justice upon
the appointment of
new trustees.
No 38, 1897, s. 1.

67. When any new trustee is appointed under or in pursuance of the powers conferred by any instrument creating a trust, or by this or any other Act, all the property which for the time being is vested in the Chief Justice or the senior Puisne Judge for the time being by virtue of the Probate Act of 1890 or any Act amending or consolidating the same, and is subject to the trust in respect of which the new trustee is appointed, shall by virtue of the order or instrument appointing the new trustee, and without other assurance in the law, become and be legally and effectually vested in such new trustee either solely or jointly with any surviving or continuing trustee as the case may require.

Power to compel
trustees to account.
21 Vic. No. 7, s. 4.

68. Where any guardian, committee, receiver, or other trustee appointed by the Supreme Court in any jurisdiction has been or is (either by order in the particular cause or matter or by any general rule) directed to account from time to time to the said Court, or to file any report or account in the office of the Master in equity, the said Court, on the application of any party interested or of such Master on behalf of the parties or any of them, or without any such application may enforce compliance with every such rule or order by a rule or summons to show cause, and by rule or order absolute thereupon, as
in

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in an action or proceeding at law, and may punish non-compliance with any such rule or order absolute by attachment for contempt as in any case of contempt at law, with costs in each case, payable by and to whom the said Court thinks fit to direct.

69. Every instrument creating a trust, either expressly or by implication, shall, without prejudice to the clauses actually contained therein, be deemed to contain a clause in the words or to the effect following, that is to say:—"That the trustees or trustee for the time being of the said instrument shall be respectively chargeable only for such moneys, stocks, funds, and securities as they shall respectively actually receive notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively, and also that the trustees or trustee for the time being of the said instrument may reimburse themselves or himself, or pay or discharge out of the trust premises all expenses incurred in or about the execution of the trusts or powers of the said instrument."

Every trust instrument to be deemed to contain clauses for the indemnity and reimbursement of the trustees.
26 Vic. No. 12, s. 31.

70. The Judges of the Supreme Court, or any three of them, may make such general rules and orders as from time to time seem necessary for better carrying the provisions and objects of this Act into effect, and for regulating the practice and procedure under this Act.

Power to make rules.
22 Vic. No. 1, s. 5.

SCHEDULE.

Section 2.

Date of Act.	Name of Act.	Extent of repeal.
13 Vic. No. 19 ..	Trust Funds Investment	Whole Act.
16 Vic. No. 19 ..	Trustee Act, 1852 ..	So much as is not already repealed except sections 53, 54, and 55.
17 Vic. No. 4 ..	Trustee Act Extension ..	Whole Act.
21 Vic. No. 7 ..	Trustee Relief Act ..	Whole Act.
22 Vic. No. 1 ..	Titles to Land Act ..	Section 23.
26 Vic. No. 12 ..	Trust Property Act ..	Sections 14-18, both inclusive, 26, 30-33, both inclusive, 35, 38-46, both inclusive, 61-64, both inclusive.
56 Vic. No. 27 ..	Trust Property Act Amendment.	Whole Act.
No. 38 1897 ..	Trust Property (Amendment) Act, 1897.	Whole Act.