

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Wednesday, the 19th Day of September, 1900.

LAW AMENDMENT BILL.

Mr. McNAB, in Committee, to move the following new clauses :—

Vesting of trust property.

1. Upon every appointment of any new trustees or trustee, whether in pursuance of section seventy-nine of "The Trustee Act, 1883," or in pursuance of any clause or provision contained in any deed, will, or other instrument by which trustees are appointed to perform any trust, the trust property for the time being subject to the trust of any such deed, will, or other instrument shall vest, without any conveyance or assignment, in the continuing trustees or trustee and such new trustees or trustee, their heirs, executors, or administrators, as joint tenants, or if there be no continuing trustee, then in the new trustees, their heirs, executors, or administrators, upon the same trusts and with the same powers as the original trustees or trustee.

Appointment of separate sets of trustees.

"Conveyancing Act, 1882" (45 & 46 Vict., c. 39), section 5.

Application by trustees of income of property of infant for maintenance.

"Conveyancing and Law of Property Act, 1881" (44 & 45 Vict., c. 41), section 43.

2. Upon an appointment of new trustees a separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, or if only one trustee was originally appointed, then one trustee may be so appointed for the first-mentioned part.

3. (1.) Where any property is held by trustees in trust for an infant, either for life or for any greater interest, and whether absolutely or contingently on his attaining the age of twenty-one years, or on the occurrence of any event before his attaining that age, the trustees may at their sole discretion pay to the infant's parent or guardian, if any, or otherwise apply for or towards the infant's maintenance, education, or benefit, the income of that property or any part thereof, whether there is any other fund applicable to the same purpose or any person bound by law to provide for the infant's maintenance or education or not.

(2.) The trustees shall accumulate all the residue of that income in the way of compound interest by investing the same and the resulting income thereof from time to time on securities on which they are by the instrument, if any, under which the interest of the infant arises or by law authorised to invest trust money, and shall hold those accumulations for the benefit of the person who ultimately becomes entitled to the property from which the same arise, but so that the trustees may at any time, if they think fit, apply those accumulations or any part thereof as if the same were income arising in the then current year.

(3.) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the interest of the infant arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

Provisions not to apply to trusts already created.

4. The provisions of sections one, two, and three hereof shall not apply to trusts created before the commencement of this Act.

The Court may relieve in certain cases.

5. (1.) The Supreme Court may on motion grant relief against the forfeiture of any agreement for a tenancy, for a renewal or extension of a tenancy, of land for breach of any covenant or condition where the person claiming relief is in possession of the land, or the rents and profit thereof, under any deed or writing containing any absolute or conditional right to such renewal or extension, and such relief may be granted in like manner and upon the like conditions as in the use of relief against a forfeiture of any lease or of any right to purchase.

(2.) The Supreme Court may on motion grant relief against the forfeiture or determination of any tenancy or agreement for a tenancy of land for the breach of any covenant or condition against assignment or subletting, provided that the assignment or subletting complained of was made to a person of good character and adequate means.