

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 13 of 1934.

AN ORDINANCE

To amend the *Trustee Act, 1898 of the State of New South Wales in its application to the Territory.*

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, pursuant to the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Trustee Ordinance 1934*.

Short title
and citation.

2. After section four A of the *Trustee Act, 1898*, of the State of New South Wales, in its application to the Territory, as amended by the *Trustee Ordinance 1932*, the following section is inserted:—

“4B.—(1.) Where any property is vested in any person as executor of a will under which he is the trustee of the property, or is beneficially entitled thereto, he may, at any time after all executorial duties with respect to the property have been duly performed, declare by registered instrument in writing that he has ceased to hold the property as executor and that he holds the property as trustee or beneficiary, as the case requires.

Declaration by
executor who
is trustee or
beneficiary.

“ (2.) Where a declaration is made pursuant to sub-section (1.) of this section, the property specified in the declaration shall, subject to the provisions of this section, be deemed to be held in accordance with the declaration.

“ (3.) In the case of any land subject to the provisions of the *Real Property Ordinance 1925-1933*—

(a) where a declaration is made under this section that the executor holds as trustee, the property shall not be deemed to be so held until the Registrar of Titles enters a caveat forbidding the registration of any instrument not in accordance with the trusts and provisions declared and contained in the will so far as concerns the land affected by the declaration; and

(b) where a declaration is made under this section that the executor holds as beneficiary, the property shall not be deemed to be so held until the Registrar of Titles withdraws any inconsistent caveat.”

Dated this sixteenth day of May, 1934.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

A. J. McLACHLAN

for Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.