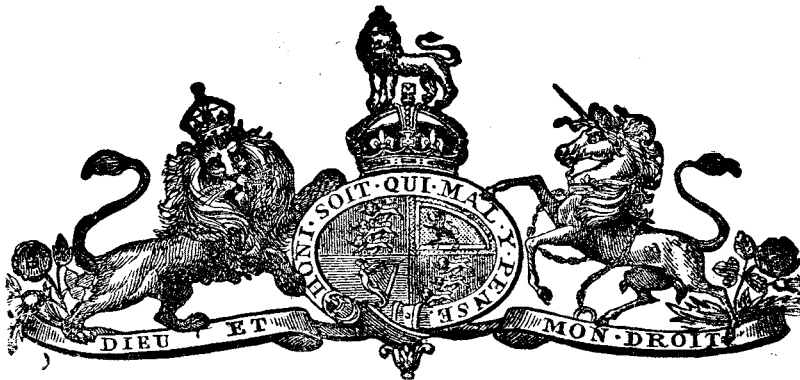


TASMANIA.



1924.

ANNO QUARTO DECIMO
 GEORGI V. REGIS.
 No. 63.

ANALYSIS

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| 1. Short title. | 6. Rights of beneficiaries. |
| 2. Interpretation | 7. Power to Trustee to sell property. |
| 3. Administration of Fund. | 8. Trusts. |
| 4. Application of income. | 9. Interests on Fund to be inalienable. |
| 5. Power to Trustee to apply capital in certain cases. | 10. Power to apply to Court. |
| Further powers as to capital. | 11. Procedure. |
| | 12. Validation of payments. |

AN ACT to declare the Trusts of a Fund raised by Public Subscription for the benefit of *Albert Edward Hayes* and *Merle Irene*, his wife, and to provide for the administration thereof. [31 March, 1924.]

A.D.

1924.

WHEREAS certain moneys (amounting in the whole to the sum of Four thousand Three hundred Pounds) have been subscribed for the relief of the said *Albert Edward Hayes* and *Merle Irene*, his wife, and are now held by the Public Trustee :

PREAMBLE.

And whereas it is desirable to declare the trusts of and provide for the administration of the said Fund :

Albert Edward Hayes Relief Fund.

A.D. 1924.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as “ The *Albert Edward Hayes Relief Fund Act.*”

Interpretation.

2 In this Act :—

“ The Fund ” means the said sum of Four thousand three hundred Pounds and all income heretofore derived and hereafter to be derived from the investment thereof and all real and personal property whatsoever purchased with the moneys thereof or any part thereof :

“ The Trustee ” means the Public Trustee :

“ The Court ” means the Supreme Court of Tasmania in Equity :

“ Wife,” wherever the context admits, includes any future wife of the said *Albert Edward Hayes* until she, if his widow, shall remarry.

Administration of Fund.

3—(1) The Trustee shall hold and administer the Fund under the provisions of “ The Public Trust Office Act, 1912,” as herein expressly modified upon the trusts hereinafter declared.

(2) The Trustee may invest any moneys forming part of the Fund not required for immediate distribution in and upon any securities authorised by law for the investment of trust funds with power from time to time to vary and transpose any investment, and no such investment shall be subject to the provisions of Section Twenty-nine of the lastmentioned Act.

Application of income.

4—(1) Subject to the provisions of this Act, the Trustee shall pay out of the Fund a weekly sum of Five Pounds :—

- i. To the said *Albert Edward Hayes* during the joint lives of himself and the said *Merle Irene Hayes* :
- ii. To the survivor of the said *Albert Edward* and *Merle Irene Hayes* during the life of such survivor : and
- iii. After the death of such survivor, to any future surviving wife of the said *Albert Edward Hayes* (if any) until her death or remarriage, which ever shall first happen, for the maintenance and support of herself and the infant children (if any) of the said *Albert Edward Hayes*.

(2) The Trustee may, in his discretion at any time and from time to time, reduce the weekly sum so payable to any of the persons aforesaid and pay any less sum in lieu thereof.

Power to Trustee to apply capital in certain cases.

5—(1) The Trustee may, in his discretion, apply any part of the Fund not exceeding One thousand five hundred Pounds for the purpose of purchasing a home, or a home and business, for the said *Albert Edward Hayes* or his wife or otherwise generally for the benefit of the said *Albert Edward Hayes* or his wife, or for or towards the maintenance, education, advancement, or benefit of any one or more of his infant children.

Albert Edward Hayes Relief Fund.

(2) Any such purchase may include the furniture and equipment of any such home. A.D. 1924.

(3) In addition to the powers hereinbefore contained the Trustee may if he thinks fit, with the sanction of a judge of the Court, apply the whole or any part of the Fund for the purposes mentioned in Subsection (1) hereof. Further powers as to capital.

6 All real or personal property purchased under this Act by the Trustee shall be held by him upon trust to permit the said *Albert Edward Hayes* and his wife and his infant children, or such of them as the Trustee shall think fit, to reside in any house and to occupy use and enjoy any land and to use and enjoy any personal property so purchased by the Trustee, for such period or periods, and upon such terms and conditions as to rental or otherwise as the Trustee shall think fit. Rights of beneficiaries.

7 The Trustee may in his discretion sell or otherwise dispose of any real or personal property purchased by him in exercise of the powers conferred upon him by this Act, either by public auction or private contract, upon such terms and conditions as he shall think fit, and the purchase money arising from any such sale or disposition shall form part of the Fund. Power to Trustee to sell property.

8—(1) Subject to the trusts and provisions hereinbefore declared and contained, the Trustee shall hold the Fund in trust— Trusts.

- i. For all or any of the children and remoter issue of the said *Albert Edward Hayes* (such remoter issue being born in the lifetime of the said *Albert Edward Hayes*), in such proportions for such interests and generally in such manner as the said *Albert Edward Hayes* shall by will or codicil appoint :
- ii. In default of appointment, and subject to any partial appointment for such of the children of the said *Albert Edward Hayes* as shall, being male, attain the age of Twenty-one years, or being female, attain that age or marry under that age, in equal shares as tenants in common if more than one :
- iii. If there shall not be any child of the said *Albert Edward Hayes* who shall, being male, attain the age of Twenty-one years, or being female, shall attain that age or marry, in trust for such person or persons for such interests, and generally in such manner in all respects as the said *Albert Edward Hayes* shall by will or codicil appoint : and
- iv. Subject to all such trusts as aforesaid, for such person or persons as would by law have become entitled to the Fund at the death of the said *Albert Edward Hayes* had he been absolutely entitled thereto and died intestate domiciled in Tasmania, and without ever having been married, such persons, if more than one, to take the shares which they would have taken by law in such case.

Albert Edward Hayes Relief Fund.

A.D. 1924.

(2) No child in whose favour, or in favour of any of whose issue, an appointment shall be made shall participate under the trust in Paragraph II. of Subsection (1) hereof in the unappointed portion of the Fund without bringing the benefit of such appointment into hotchpot.

(3) For the purpose of this section the Fund shall be deemed to be personal estate.

Interests on Fund to be inalienable.

9 Except as provided in Section Eight hereof, no share or interest in the Fund or any part thereof shall—

- i. Be capable of being alienated, charged, or disposed of in any manner by any person beneficially entitled thereto :
- ii. Be taken in execution or attached under the process of any Court :
- iii. Pass to the Trustee in bankruptcy of such person :
- iv. Be subject in any manner to the debts or liabilities of such person—

until the same have been paid or distributed by the Trustee as hereinbefore provided.

Power to apply to Court.

10 The Trustee or any person claiming any beneficial interest in the Fund may apply to the Court for the determination of any question, matter, or dispute arising in or relating to the administration of the Fund.

Procedure.

11—(1) Every application under this Act to the Court shall be made by summons returnable before a Judge in Chambers.

(2) Every such summons shall be served upon the Attorney-General and the Trustee (if he is not the applicant) and such other persons as a Judge may direct, and all proceedings thereon shall be subject to the rules of the Court.

(3) Upon the return of any such summons the Judge may hear and determine the same, or may direct that the same shall be heard and determined by the Full Court.

(4) Any order or determination made by a Judge in Chambers under this section shall be subject to appeal to the Full Court.

(5) The Court or a Judge shall have power in its or his discretion to make such order as it or he may think fit respecting the costs, charges, or expenses of all or any of the parties to any application hereunder, and may order the same or any part thereof to be paid out of the Fund.

Validation of payments.

12 All payments heretofore made by the Trustee to the said *Albert Edward Hayes* out of the Fund shall be deemed and taken to have been made pursuant to, and in exercise of, the power in that behalf hereinbefore conferred upon him by this Act.