

T A S M A N I A

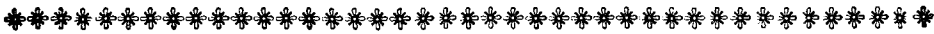


1882.

ANNO QUADRAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 16.



AN ACT to vest Property held on Public, Religious, and Charitable Trusts in the succeeding Trustees without Conveyance or Assignment, and for other purposes.

A.D. 1882.

[9 October, 1882.]

BE it 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 :—

1 This Act may be cited as “The Public Trusts Act, 1882,” and shall commence and take effect from the First day of *December*, One thousand eight hundred and eighty-two.

Title and commencement of Act.

2 In this Act, unless the context otherwise determines—

Interpretation.

“Recorder” shall mean “Recorder of Titles :”

25 Vict. No. 16,

“Solicitor of Titles” shall mean “the Solicitor to the Land Titles Commissioners :”

s. 4.
Ibid, s. 5.

“Property” shall mean property real or personal, including choses in action :

“Document of Title” shall include any conveyance, lease, mortgage, or certificate of title, and any bond, promissory note, bill of exchange, policy of assurance, debenture, treasury bill, certificate, warrant, or other document evidencing title to any property where any assignment, transfer, or indorsement, or the signature of the owner to or upon any matter or thing is

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necessary to pass such property, but shall not include any document of title the delivery whereof merely passes the property comprised therein :

“Registered head or representative of a religious denomination in *Tasmania*, or any part thereof,” shall mean the person for the time being registered as such head or representative under the provisions of this Act :

“Person” includes a body corporate :

“*Gazette*” means *The Hobart Gazette* :

When anything is required to be done under the hand of any person, if such person be a corporation aggregate, such thing may be done under the common seal of such corporation.

What trusts may be registered under this Act.

3 Trusts for all or any of the following purposes may be registered under this Act in manner herein mentioned, *i.e.*, all trusts for public, religious, educational, or charitable purposes, and all trusts which the Attorney-General may certify are proper to be registered under this Act.

Authority and consent required for the registration of a trust.

4 Except as hereinafter mentioned, every application to register any trust under this Act must be made by the same authority that is necessary for the appointment of a new trustee of such trust and the vesting of the trust property and every part thereof in such new trustee, whether solely or together with any surviving or continuing trustees, and, in case of any trust for purposes connected with any religious denomination, with the consent of the registered head or representative of such denomination for the time being in *Tasmania* or in the part of *Tasmania* to which such trust relates, and, in all other cases, with the consent of the Attorney-General.

Proof required of authority or consent for registration of a trust.

5 The authority or consent of any person to register any trust under this Act shall be evidenced by writing under the hand of such person, and attested by a Solicitor, Public Notary, or Justice of the Peace. Any other authority or consent shall be evidenced to the satisfaction of the Recorder by statutory declaration or otherwise.

Power to Recorder to dispense with authority of trustees absent or not to be found, &c.

6 When any trustee, or the heir-at-law, executor, or administrator of any trustee whose authority would be necessary for the registration of any trust under this Act cannot be found, or has been absent from *Tasmania* for six consecutive months, or refuses or neglects for Twenty-eight days after demand to give that authority, the Recorder may, if he thinks fit, order by writing under his hand that the authority of such person be dispensed with ; and every such order shall be published in the *Gazette* ; and thereupon such trust may be registered under this Act notwithstanding that the authority of such person has not been obtained :

Provided always, that the Recorder shall not dispense with the authority of any person who can be found, and is in *Tasmania*, except after notice to such person of the application to dispense with his authority and giving him an opportunity to be heard in opposition to the same :

Provided also, that if it appear to the Recorder that any person with whose consent he is asked to dispense has, or is likely to have, any claim

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to any payment or indemnity of which he could lawfully demand satisfaction before parting with the trust property to a duly appointed successor, the Recorder may require as a condition to dispensing with the consent of such person that security be given in such form and in such amount as the Recorder may deem sufficient for the satisfaction of such claim :

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Provided also, that the demand hereinbefore mentioned shall be in writing, and in case of trusts for purposes connected with any religious denomination shall be made by or on behalf of the registered head or representative of the denomination, and in all other cases by the other trustees or trustee or by the Attorney-General.

7 Every application to register any trust under this Act shall be in writing, addressed to the Recorder, in the form in the Schedule (1), signed by some one at least of the persons whose authority or consent is necessary for such registration, and shall be supported by evidence showing—

Application to register a trust.

- (1.) What are the trusts :
- (2.) What are the names and descriptions of the trustees :
- (3.) How the trustees may be changed :
- (4.) Of what the trust property consists :
- (5.) That the application is made by the authority and with the consent hereinbefore required :
- (6.) That every document, matter, and thing relating to or affecting any of the matters aforesaid is mentioned in the application.

8 The Recorder shall refer such application to the Solicitor of Titles, who shall report thereon, and submit the same and the papers to the Recorder, and if the Recorder is satisfied that the trust is one which may be registered under this Act, and that the evidence by which the application is supported is sufficient, he shall register such trust.

Application, how dealt with.

9 The Recorder shall keep or cause to be kept a book, to be called the Register of Public Trusts, the folios of which shall be numbered consecutively, and each of which shall be in the form in the Schedule (2.)

Register of public trusts.

10 Whenever the Recorder decides as aforesaid to register any trust, he shall enter or cause to be entered at the top of a folium in the Register of Public Trusts a short description of the trust such as he may deem sufficient for the purpose of distinguishing it from other registered trusts, and in case the trust is for religious purposes connected with any particular religious denomination, of denoting with what denomination it is connected, and he shall enter or cause to be entered in the proper line and column the number of the trustees, the name and description of every trustee, and the date of making the entry, and sign his name in the proper column in the same line with the name of every trustee to authenticate the entry; and thereupon such trust shall be deemed to be registered under the provisions of this Act.

Trusts, how registered.

11 Upon registering any trust under the provisions of this Act, the Recorder shall write or cause to be written upon every document showing the nature of such trust, or the manner of changing the

Documents declaring trusts, how dealt with.

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trustees, a memorandum setting forth the description by which, and the folium of the Register of Public Trusts on which such trust is registered, so as to connect such document with such register, together with the date of signing such memorandum, and shall sign such memorandum.

Alteration in trusts, how registered.

12 If after the registration of any trust under the provisions of this Act, any instrument, matter, or thing be made or done which in any manner alters or affects such trust or the manner of changing the trustees, any person concerned, or the Attorney-General in case of trusts connected with any religious denomination, with the consent of the registered head or representative of the denomination, may produce to the Recorder such instrument or any document evidencing such matter or thing, and may prove to the satisfaction of the Recorder that such instrument, matter, or thing has been duly made or done; and thereupon, if the Recorder be of opinion that the instrument or document produced be proper and convenient for the purpose, he shall register the same, and shall write or cause to be written upon such instrument or document a memorandum as in the last preceding Section mentioned, and sign the same.

Provided always, that in any case in which he may think fit, the Recorder may, before the registration of any such instrument or document, direct notice to be given to any person of the application to register the same so that such person may have an opportunity of being heard in opposition to such application.

Documents declaring trusts to be retained by the Recorder, or delivered up to persons entitled on deposit of copies.

13 The Recorder shall retain in his custody all documents or instruments upon which he has made memoranda as in the last two preceding Sections mentioned.

Provided always, that any person entitled to the custody of any such instrument or document may deposit with such Recorder a copy thereof fairly engrossed upon parchment, and such Recorder shall ascertain that such copy is a true copy, and certify thereon by writing under his hand that such is the case, together with the name of the person to whom and the date at which the original is delivered up, and thereupon the Recorder may deliver up to such person the original of such document.

Indorsement of documents of title.

14 When any trust is registered under the provisions of this Act, the registered trustees, or one or more of them, may produce to the Recorder any document of title to such registered trustees or their predecessors in office, and may prove to the satisfaction of the Recorder that the property to which such document relates, or some part thereof, is held upon such trust, and thereupon the Recorder shall make or cause to be made on such document of title a memorandum that the premises comprised therein, or such part thereof, are held by the trustees for the time being of such trust, describing such trust so as to identify the same with the description thereof in the Register of Public Trusts and by the number of the folium of such register on which such trust is registered, together with the date of signing such memorandum, and shall sign such memorandum; and upon the signature of such memorandum by the Recorder, all the estate, right, title, and interest of any predecessors in office of such registered trustees in any property comprised in such document of title, or in any part thereof, referred to in such memorandum as held on such trust, shall vest in such registered trustees, and the registered trustees or trustee for the time being shall be empowered to do and suffer all acts, matters, and things in respect of

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such document of title or such property as if their names were written in such document of title in place of the names of any their predecessors in office named therein.

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15 When upon any document of title relating to or in any manner affecting any lands, tenements, or hereditaments situate, lying, or being in *Tasmania* that has been registered under any law for the time being in force relating to the registration of written instruments, an indorsement is made by the Recorder under the provisions of this Act, or an acknowledgment is signed by the registered trustees or trustee thereof that the same is held upon any registered trust, a like memorandum, or a copy or memorandum of such acknowledgment, as the case may be, shall be made upon the memorial of the registration thereof; and in registering any such document of title, in which the grantees are the registered trustees of any registered trust, under any such law, the memorial of the registration of such document shall describe the grantees as such trustees of such trust, describing the trust so as to identify it with the description of the same in the Register of Public Trusts; and if in any case before the provisions of this Section are complied with, any deed, conveyance, or other instrument in writing which, but for the operation of this Act, would operate to pass any estate or interest at law or in equity, be duly registered in conformity with any such law as aforesaid, such deed, conveyance, or other instrument in writing shall have the same effect as if this Act had not been passed.

Provision for causing notice that lands which are subject to the operation of this Act to appear upon the memorial of registration under the general law for the registration of written documents.

16 Whenever it is proved to the satisfaction of the Recorder that any registered trustee of any registered trust is dead and the date of his death is also proved, the Recorder shall register such death and the date thereof by writing or causing to be written in the folium of the Register of Public Trusts relating to such trust, on the same line with the name of the trustee, in the column headed "cause of cessation from office of trustee," the word "deceased," and in the column headed "date of cessation from office of trustee" the date of such death, and in the proper column shall sign his name to authenticate such entry.

Registration of death of trustee the date of whose death is known

17 Whenever it is proved to the satisfaction of the Recorder that any registered trustee of any registered trust is dead but there is no evidence to satisfy the Recorder when he died, the Recorder shall register such death by writing or causing to be written in the folium in the Register of Public Trusts relating to such trust, on the same line with the name of the trustee, in the column headed "cause of cessation from office of trustee," the word "dead," and in the column headed "date of cessation from office of trustee" the date of such entry, and in the proper column shall sign his name to authenticate such entry.

Registration of death of trustee the date of whose death is unknown.

18 Whenever it is proved to the satisfaction of the Recorder that any registered trustee of any registered trust has in any manner, except by death, ceased to be a trustee, the Recorder shall register the cessation from office of such trustee by writing or causing to be written on the folium of the Register of Public Trusts relating to such trust, in the same line with the name of the trustee, in the column headed "cause of cessation from office of trustee," the word "retired," and in the column headed "date of cessation from office of trustee" the date of making the entry, and shall authenticate such entry by signing his name in the proper column; and, for the purpose of this Section, any

Registration of retirement of trustee.

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person shall be deemed to have ceased to be a trustee when all other matters necessary for his cessation from office have been accomplished notwithstanding that the trust property is still vested in him.

Registration of
new trustee.

19 Whenever it is proved to the satisfaction of the Recorder that any person has been duly appointed a trustee of any registered trust and has accepted such trust, he shall register the appointment of such trustee, and shall in the next vacant line on the folium of the Register of Public Trusts relating to such trust, and in the proper columns, enter or cause to be entered the name and description of such trustee and the date of making the entry, and shall sign his name to authenticate the same.

Power to make
transfers and issue
certificates of
title to the trustees
of registered trusts
as such.
25 Vict. No. 16.

20 After the passing of this Act, any transfer, lease, mortgage, or charge under the provisions of *The Real Property Act* may be executed to the trustees for the time being of any trust registered under the provisions of this Act, describing them as such trustees as aforesaid, and stating that the trust is registered under the provisions of this Act, and describing such trust so as to identify it with the description of the same in the Register of Public Trusts, and a certificate of title may be issued to such trustees by the same description; but no such description shall be deemed to affect any person with notice of the trusts, or entitle, require, or concern any person to inquire into or ascertain such trusts; and the persons for the time being registered as trustees of such trust in the Register of Public Trusts shall be deemed the registered proprietors of the property comprised in such transfer, lease, mortgage and charge, or certificate of title.

Vesting of trust
property in the
registered trustees
for the time being.

21 Upon the registration under the provisions of this Act of the death or other cessation from office of any registered trustee of any registered trust, the property hereinafter mentioned vested in such trustee upon such trust, or, in case he is dead, which was vested in him upon such trust at the time of his death, shall vest in the remaining registered trustees or trustee, or, in case there is no registered trustee, in the next trustee who may be registered, and upon such registration of any new trustee the property hereinafter mentioned vested in the other registered trustees or trustee shall vest in them or him jointly with such new trustee, that is to say, all property that will pass by delivery merely of such property, or of any document of title relating thereto, or that is comprised in any document of title made expressly upon such trust, or upon which an acknowledgment in writing that the same is held upon such trust has been signed by the trustees named therein, or upon which any such memorandum as aforesaid that the premises comprised therein are held by the trustees for the time being of such trust has been made by the Recorder, and all property comprised in any document of title upon which any such memorandum as aforesaid that some part of the premises comprised therein is held by the trustees for the time being of such trust has been so made and signed and referred to in such memorandum as so held; and, for the purposes of this section, it shall be sufficient if any trust is described in any document of title, memorandum, or acknowledgment so as to identify the same with the registration thereof in the Register of Public Trusts; and the registered trustees or trustee for the time being shall be empowered to do and suffer all acts, matters, and things with respect to any such property that any their predecessors in office as such trustees might have done.

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22 It shall be the duty of the trustees for the time being of every trust registered under the provisions of this Act to cause all property assured to or vested in them upon such trust to be so assured or dealt with that the same may vest in their successors under the provisions of this Act.

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Trustees of registered trusts to cause property to be dealt with so as to vest in their successors.

23 All legal proceedings whatever concerning any property held upon any registered trust may be had by or against the registered trustees for the time being in their proper names as such trustees, describing the trust so as to identify the same with the registration thereof in the Register of Public Trusts; and no such proceedings shall be discontinued or abated by reason of any change in such trustees by death or otherwise, but shall continue by or against the remaining or succeeding trustees notwithstanding.

How legal proceedings may be had with respect to property held on a registered trust.

24 Every trust in fact registered under the provisions of this Act shall be deemed to be a trust that might be properly registered under the provisions hereof, and every entry in the Register of Public Trusts shall, for the purpose of determining who are or were at any time the trustees of any trust registered under the provisions of this Act, be conclusive evidence, and may be sufficiently proved for all purposes by any copy thereof certified under the hand of the Recorder.

Entries in the register conclusive, and proved by certified copies.

25 The trusts upon which the property subject to any registered trust is held may be sufficiently proved for all purposes by the production of the instruments and documents held by the Recorder, whether copies or originals, or any copy thereof certified under the hand of the Recorder.

Registered trusts, how proved.

26 When all moneys intended to be secured by any mortgage or further charge given to the trustees of any registered trust expressly as such trustees, or upon such trust, or upon which any such memorandum as aforesaid has been made by the Recorder, or upon which the mortgagees named therein have signed any written acknowledgment that such mortgage or further charge is held upon such trust, or all moneys intended to be secured by any mortgage or further charge given by the trustees of any registered trust expressly as such trustees, or upon which the mortgagors named therein have signed any written acknowledgment that the equity of redemption is held upon such trust, have been fully paid or discharged, the person or persons for the time being entitled to receive the moneys owing upon the security of such mortgage or further charge may indorse upon or annex to such mortgage or further charge a receipt in writing under their or his hands or hand, in the form or to the effect specified in the Schedule (3), and such receipt shall vacate the mortgage or further charge and debt, and also all further charges relating to the same land dated subsequently to the mortgage or further charge on or to which such receipt shall be indorsed or annexed and prior to the date of the receipt, and vest the estate of and in the property therein comprised in the persons for the time being entitled to the equity of redemption without any re-conveyance or re-assignment whatever, and so that the person for the time being entitled to the equity of redemption, if the original mortgagors, shall hold the property, to the same uses and upon the same trusts, so far as they have not been varied or altered, upon which

Power to re-vest mortgaged lands by the receipt of the registered trustees.

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the property was held before the mortgage, and if not the original mortgagor, to the same uses and upon the same trusts as the equitable estate.

Power for succeeding trustee, with his creditors' consent, to undertake any liability in discharge of his predecessor.

27 On or after the retirement of any trustee from any registered trust and the appointment of his successor, any person to whom such trustee, his executors or administrators, may be under any liability incurred for the benefit or in respect of such trust, and such successor, may sign a memorandum in writing under their hands by which the new trustee undertakes to answer such liability of the retiring trustee, or of his executors or administrators, and the person to whom such liability is due to accept such undertaking in discharge of the retiring trustee, his executors or administrators; and upon the registration of such memorandum the retiring trustee, or his executors or administrators, shall be discharged from such liability, and the succeeding trustee shall be bound to answer the same as if it had been incurred by him in the first instance.

Power to persons in whom chose in action becomes vested to sue in their own names.

28 In any case where under the provisions of this Act any chose in action becomes vested in any person either solely or jointly with any other person or persons, such person may sue for and recover the same in his own name either solely or jointly with such other person or persons as the case may be.

Application for registration as head or representative of a religious denomination.

29 The head or representative of any religious denomination in *Tasmania* or any part thereof may make an application to the Recorder to be registered as such head or representative, and every such application shall set forth the name of the denomination of which such person claims to be the head or representative, the part of *Tasmania* in which he claims to be the head or representative thereof, the designation of such part of *Tasmania* according to the usages of the denomination, the full name and surname of the applicant, his address, and his proper title of office according to the usages of the denomination by virtue of which he claims to be head or representative of such denomination, and the date when and the authority by which he acquired such office, and, when any other person has been previously registered as such head or representative in the part of *Tasmania* to which the application relates, the person in whose place he claims to be registered.

Application, how dealt with.

30 On receiving any such application from any person to be registered as the head or representative of any religious denomination, the Recorder, upon proof to his satisfaction that the applicant is such head or representative according to the usages of such denomination, shall register the applicant according to the tenor of his application :

Provided always, that in case of an application to be registered in the place of any person who does not consent to such application, notice of the application shall be given to such last-mentioned person, and such person shall have an opportunity of being heard before the Recorder in opposition to such application, unless it be proved to the satisfaction of the Recorder that such last-mentioned person is absent from *Tasmania* and not expected to return within twelve months, or cannot be found.

Power to withdraw application.

31 Any person who has applied to be registered as head or representative of a religious denomination may at any time, by writing

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under his hand, addressed to and lodged with the Recorder, withdraw his application, and thereupon such application shall be deemed to be withdrawn. A.D. 1882.

32 When registering any person as head or representative of any religious denomination, when there has been no previous registration of a head or representative of such denomination in any part of *Tasmania* to which such application relates, the Recorder shall enter or cause to be entered in a book to be called the Denominational Register the following particulars, that is to say, the name of the denomination, the description of the part of *Tasmania* to which the application relates, the designation of such part of *Tasmania* according to the usages of the denomination, the title of office of the applicant according to the usages of the denomination, the full name and surname of the applicant, his address, and any further description of such applicant that the Recorder may think desirable, together with the date of making the entry, and the Recorder shall sign such entry to authenticate the same. Registration of head or representative of denomination when there has been no previous registration.

33 The Recorder shall register any person as head or representative of a religious denomination in place of any other person for the whole of *Tasmania* to which such previous registration relates by entering or causing to be entered in the Denominational Register, below the registration of the person previously registered, a memorandum of the full name and surname, together with the address and any further description the Recorder may think desirable of such first-mentioned person, and that he is registered in the place of the person previously registered, together with the date of making such entry, and shall sign such entry to authenticate the same. Succeeding head or representative of denomination, how registered.

34 The Recorder shall register any person as head or representative of a denomination in place of any other person for a portion only of the part of *Tasmania* to which such previous registration relates as in cases where there has been no previous registration, and shall enter or cause to be entered in the Denominational Register, below the registration of the person previously registered, a memorandum that the registration of the person previously registered is cancelled as regards the part of *Tasmania* included in such subsequent registration, and shall date such memorandum with the same date as the subsequent registration, and sign the same. Head or representative of denomination succeeding in part only, how registered.

35 Any person registered as the head or representative of any religious denomination in *Tasmania* or any part thereof may, by writing under his hand, request the Recorder to cancel his registration either entirely or as to any part of *Tasmania*, and thereupon the Recorder shall enter or cause to be entered in the Denominational Register a memorandum that the registration of such person is cancelled, or cancelled as to such part of *Tasmania*, at his request, and together with the date of making such memorandum, and shall sign the same. Registration of head or representative of denomination may be cancelled at his request.

36 The Denominational Register shall be conclusive evidence of all matters authorized to be inserted therein for the purposes of this Act, and every entry therein may be sufficiently proved for all purposes by any copy thereof certified under the hand of the Recorder. Denominational Register and certified copies thereof made evidence.

37 The fees set forth in the Schedule (4) shall be paid in respect of the matters therein mentioned transacted under this Act. Fees.

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All fees received by the Recorder under this Act shall be paid into the Colonial Treasury and form part of the Consolidated Revenue Fund.

Partial repeal of sect. 33 of 29 Vict. No. 14.

38 The Thirty-third Section of the Act of the Parliament of *Tasmania* of the 29th *Victoria*, No. 14, shall be and the same is hereby repealed so far as relates to any trusts to be registered under this Act.

Documents purporting to be certified copies to be deemed such.

39 When any copy certified under the hand of the Recorder is receivable in evidence under the provisions of this Act, any document purporting to be such certified copy shall be deemed to be such copy so certified, unless the contrary is proved.

Power to Recorder to require explanation and production of documents.

40 The Recorder may by summons under his hand in the form in the Schedule (5), require any person to appear, at a time and place to be appointed in such summons, and give any explanation concerning any application under this Act, and to produce any documents of title, or other documents in his possession or within his control affecting such application. And the Recorder is hereby authorised to examine upon oath (which oath he is hereby empowered to administer) such person; and any such person who shall fail, refuse, or neglect to attend the Recorder for the purpose of being examined, or to produce any such documents of title or other documents, or to allow the same to be inspected, or shall refuse or neglect to give any such explanation as aforesaid, shall be liable on any such default to be committed by the Recorder as in the case of a contempt of the Supreme Court, and if the information or document appears to the Recorder to be material, the Recorder shall not be bound to give any direction in the matter of the application until the same is given or produced.

Power to state case for the Supreme Court.

41 It shall be lawful for the Recorder, whenever any question shall arise with regard to the performance of any duty or the exercise of any of the functions by this Act conferred or imposed on him, to state a case for the opinion of the Supreme Court; and thereupon it shall be lawful for the said Court to give its judgment thereon, and such judgment shall be binding upon him.

Appeal against the decision of the Recorder.

42 If any person is dissatisfied with the decision of the Recorder on any application under this Act, such person may appeal therefrom to the Supreme Court in its Equitable jurisdiction by giving to the Recorder, and to any other person who may have appeared before the Recorder on such application, Eighteen days' notice in writing of his intention, and within Fourteen days after the delivery of such notice, the Recorder shall cause to be forwarded to the Registrar of the Supreme Court all documents lodged in support of the application, together with a copy of his notes of the evidence of any witness who may have been examined with reference to the application, and a statement of the reasons for his decision, and also, if the Recorder think fit, any affidavit or affidavits setting forth any matters he may desire to bring under the notice of the Court; and upon hearing any such appeal the Supreme Court may affirm, vary, or reverse the decision of the Recorder, and may give any directions in the matter as may seem just, and such Court may direct that further evidence be taken in addition to the evidence forwarded by the Recorder, or that notice of the hearing such appeal be given to any person, and may adjourn the hearing of any such appeal to allow of such being done, and the Recorder shall give effect to the order of the Supreme Court upon hearing such appeal; and the

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Supreme Court may direct any person who has appeared before the Recorder or the Supreme Court in the matter of such application or appeal to pay the costs of such application or appeal or any part thereof as may seem just. A.D. 1882.

43 The Recorder shall correct errors in the Register of Public Trusts, or the Denominational Register, or in any document mentioned in the Twentieth Section of this Act, or in entries made in the same, or in memoranda made or caused to be made by him under the provisions of this Act, and may supply entries and memoranda omitted to be made under the provisions of this Act, but in the correction of any such error he shall not erase or render illegible the original words, and shall affix the date on which such correction was made or entry or memorandum supplied, and initial the same; and every error, entry, or memorandum so corrected or supplied shall have the like validity and effect as if such error had not been made, or such entry or memorandum omitted, except as regards any transaction prior to the actual time of correcting the error or supplying the omitted entry or memorandum. Power to the Recorder to correct errors.

44 If any person does any of the following things— Certain fraudulent acts made misdemeanors.

- Wilfully makes any false statement or declaration in or upon any application under this Act; or
- Suppresses, withholds, or conceals, or assists or joins in or is privy to the suppressing, withholding, or concealing from the Recorder any material document, fact, or matter of information; or
- In the course of his examination before the Recorder wilfully and corruptly gives false evidence; or
- Fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any entry in the Register of Public Trusts or the Denominational Register, or of any erasure or alteration in any entry in either of such registers; or
- Knowingly misleads or deceives any person herein authorised to require explanation or information in respect of any matter,

such person shall be guilty of a misdemeanor, and shall incur a penalty not exceeding Five hundred Pounds, or may, at the discretion of the Court by which he is convicted, be imprisoned for any period not exceeding Three years.

45 If any person does any of the following things— Forgery.

- Forges, or procures to be forged, or assists in forging, the name or signature of any person to any instrument, matter, or thing which is by this Act, or in pursuance of any power contained in this Act, expressly or impliedly authorised to be signed by such last-mentioned person; or
- Uses, with intent to defraud, any instrument, matter, or thing to which the name or signature of any person has been forged,

such first-mentioned person shall be guilty of felony, and shall be liable to imprisonment for any term not exceeding Four years.

46 No proceeding or conviction for any act hereby declared to be a misdemeanor or a felony shall affect any remedy which any person aggrieved or injured by such act may be entitled to at law or in equity Preceding sections not to affect civil remedies.

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against the person who has committed such act or against his estate, and nothing in this Act contained shall entitle any person to refuse to make a complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any court of law, equity, or bankruptcy; but no answer to any such bill, question, or interrogatory shall be admissible in evidence against such person in any criminal proceeding.

SCHEDULE.

Section 7.

(1.)

To the Recorder of Titles,

I, _____ of _____ hereby apply to have a trust for _____ purposes [*if the trust is connected with a religious denomination add "connected with" naming the denomination*] registered under "The Public Trusts Act, 1882."

1. The nature of the trust appears from the following documents [*set out a list of the documents*].
2. The names of the present trustees are *A.B.* of *C.D.* of _____ &c. Their due appointment appears from the following documents [*set out a list of the documents*].
3. The manner in which the trustees may be changed appears from the following documents [*set out a list of the documents*].
4. The trust property consists of the following particulars [*set out a list of the trust property*].
5. The authority by which the application is made is as follows [*set out the authority by which the application is made*].
6. This application is made with the consent of [*set out the name of the registered head or representative of the denomination, describing him as such, or of the Attorney-General, describing him as such*].

Section 9.

(2.)

Folium 13.

THE UNITED METHODIST FREE CHURCH TRUST.
Number of Trustees—Three.

Date of Registration of Trustee.	Name of Trustee.	Description of Trustee.	Signature of Registrar authenticating Registration of Trustee.	Cause of cessation from office of Trustee.	Date of cessation from office of Trustee.	Signature of Registrar authenticating cessation from office of Trustee.
1st January, 1883	John Jones	12, Collins-street, Hobart, ironmonger	G. P. Adams			
1st January, 1883	Thomas Smith	New Town Road, merchant	G. P. Adams	Deceased	4th February, 1883	G. P. Adams
1st January, 1883	William Green	Sandy Bay Road, merchant	G. P. Adams	Retired	3rd March, 1883.	G. P. Adams
20th February, 1883	James White	Elizabeth-street, Hobart, grocer	G. P. Adams			
3rd March, 1883	Thomas Thomas	4, Liverpool-street, Hobart, saddler	G. P. Adams			

Public Trusts.

(3.)

A.D. 1882.

Section 26.

The Trustees of the trust registered under "The Public Trusts Act, 1882," as [here set out the description of the trust so as to identify it with the description in the Register of Public Trusts] No. [fill in the number of the folium on which such trust is registered [or A.B. of, &c., as the case may be] acknowledge to have received all moneys intended to be secured by the within written deed.

Given under our hands [or my hand] this day of
 [Signatures of persons entitled to receive the money, trustees].

(4.)

Section 37.

SCALE OF FEES.

In each case, in addition to the costs of the advertisements (if any).

	£	s.	d.
On the application to register a trust, or to register an instrument or document under section 12	1	0	0
On the application to the commissioner for any order dispensing with any authority or consent	0	5	0
On the application to register the death or cessation from office of a trustee or any memorandum under the twenty-seventh section	0	5	0
On the application to register the appointment of a new trustee	0	5	0
For the signature of the registrar to any certificate, copy, extract, or memorandum	0	2	6
For any copy or extract of a document, or from any register or book, at per folio of seventy-two words	0	0	6
On the application to be registered as head or representative of a denomination	1	0	0
On the withdrawal of an application to be registered as head or representative of a denomination	0	2	6
On the application by any person for the cancellation of the registry as head or representative of a denomination, whether for the whole or any part of <i>Tasmania</i>	0	5	0
For every search	0	1	0
For returning under thirteenth section each document deposited	0	2	6
For order for and inspection of documents permanently retained	0	2	6

(5.)

Section 40.

SUMMONS.

In the matter of "The Public Trusts Act, 1882."

A.B. [insert addition] is hereby summoned to appear before me at on the day of at of the clock in the [fore] noon, then and there to be examined at the instance of *C.D.* [insert addition] concerning , and the said *A.B.* is hereby required to bring with him and produce at the time and place aforesaid [describe document] and all other writings and documents in his custody or power in anywise relating to the premises.

Given under my hand the day of *Recorder of Titles.*

