INDIAN TRUSTS ACT.

496

wirtue of a contract with the person for whose benefit he holds it, or with any one through whom such person claims, he may, without the permission of the Court, buy or become lessee or mortgagee of the property or any part thereof.

96. Nothing contained in this chapter shall impair the rights of transferrees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

THE SCHEDULE

STATUTE.

Year and chapter.	Short title.	Extent of repeal.
29 Car. II, c. 3	The Statute of Frauds.	Sections 7, 8, 9, 10 and 11.

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
XXVIII of 1866	The Trustees' and Mort- gagess' Powers Act, 1866.	Sections 2, 3, 4, 5, 32, 33, 34, 35, 36, & 37. In sections 39 and 43 the word 'trustee' wherever it occurs; and in section 43 the words 'management or' and 'the trust-property or.'
I of 1877	The Specific Relief Act, 1877.	In section 12 the first illustration.



INDEX.

ABROAD.

e. q. t. who is - must be party to suit, 314. immoveable property —, trust of, 32. moveable property —, trust of, 26. payment to c. q. t. who is ——, 207. trustee does not become incapable to act by going, 330. who is --- not necessary party to suit, 314. See TRUSTS ACT, 1882.

ABSCOND, security from trustee about to, 182.

ABSENCE

of trustee, Court may make order under Trustee Act in, 441. beyond jurisdiction, ground for appointment of receiver, 340, See TRUSTS ACT, 1882.

ABSOLUTE INTEREST in trust estate, when c. q. t. entitled to, 271. ABSOLUTE TRUST for sale does not authorize mortgage, 170. ABSTRACT of title, conditions of sale as to, 224.

ACCEPTANCE OF TRUST,

by acting as agent, 121.

executor of an executor, 121.

how effected, 220, 467. liability of trustee after, 123. parol evidence of, 122. partial, 122 recitals, 122. trustee also executor, 121.

See TRUSTS ACT, 1882.

ACCIDENT, when trustee liable for loss by, 183.

ACCOUNT. by agent of trustee, 109.

trustee of charity, 364. e. q. t. has right to, 157.

copies of, 158

costs of inability or refusal to, 158.

destruction of books of, 157. duty of agent to keep, 157.

> trustee to keep, 157 under Act XX of 1863, 407.

Official Trustee to keep, 411 effect of negligence in not keeping, 214.

estoppel of c. g. t. by settled, 247. good faith of trustee considered in taking, 158.

inspection of, 158.

liability of managing member of joint Hindu family to, 158. trustee to --- for rents, 268.

of mesne profits, by trustee renewing lease, 109. of public funds, no suit lies for, 217. production of books of, 157.

right of trustee to settlement of, 219. trustee mixing those of trust-estate with his own, 157. See TRUSTS ACT, 1882.

498

INDEX.

ACCUMULATION,

liability of trustee for not following directions for, 184. of income when applicable for future maintenance, 226. trust for, 38.

See TRUSTS ACT, 1882.

ACKNOWLEDGMENT of debt by one trustee, 241.

ACQUIESCENCE,

in breach of trust, 190.

accepting portion of claim not, 191. delay on part of c. q. t. when it amounts to, 191. onus of proof of, 191. purchase by trustee of trust-property, 261. sale by benamidar, 103.

manager of joint Hindu family, 307.

in voluntary gifts, 118. or settlement, 72. See TRUSTS ACT, 1882.

ACQUISITION by trustee of trust-property wrongfully converted, 313. See TRUSTS ACT, 1882.

ACTIONS,

duty of trustee to bring and defend, 137. to restrain waste, 142.

ADMINISTRATION of trust, suit for, 217.

ADMINISTRATOR,

liability of, as to rents, etc., 458. to pay interest, 313. may not purchase assets, 265. petition for advice of High Court by, 459. when necessary party to suit, 344.

ADMINISTRATOR-GENERAL, remuneration of, 250. See TRUSTS ACT, 1882.

ADMISSION of receipt of trust-fund by trustee, 338.

ADVANCEMENT,

application of trust-fund for, 227. evidence to rebut presumption of, 94.

ADVANCES.

interest on, 216. right of trustee to be reimbursed for, 214. suit to recover, 216.

ADVERSE TITLE, trustee cannot set up, 155. See TRUSTS ACT, 1882.

ADVERTISING, duty of trustee for sale as to, 168, 228.

donor should have independent, 117. of c. q. t. when trustee should apply for, 220. counsel, see Counsel.

Court, petition for, 218. under Religious Societies Act, 463. Trustees' and Mortgagees' Act, 459. See Trusts Act, 1882.



ADVOCATE-GENERAL when necessary party to suit relating to charity, 363.

AFFIDAVITS,

not to be used on petition for advice of Court, 219. of fitness of new trustee, 331.

AGENT.

acceptance of trust by acting as, 121.

authority from c. q. t. to pay trust-money to, 179.

becoming trustee may not profit, 254.

duty of—to keep accounts, 157.

has no lien for expenses, 215.

liability of trustee for acts of, 140, 184, 235.

may not purchase trust-estate, 260.

not entitled to receive purchase-money, 229.

notice of equitable assignment to, 280.

payment to, 240.

remuneration of, 243, 249.

right of trustee to be remunerated for expenses of, 212.

reimbursed for damages caused by, 215, to whom liable, 240.

trustee disclaiming may act as, 134. when considered constructive trustee, 107, 109, 184. when responsible for loss, 184.

See Trusts Act, 1882.

AJMERE, Minors' Act in, 228.

ALIEN,

creation of trust by, 126.
may be c. q. t., 127.
trustee, 129.
See Trusts Act, 1882.

ALIENATION,

by benamidar, 103.

by c. q. t. of equitable interest, 273.

assignee takes subject to all equities, 274.

conveyance how made, 274.

description of property, 278.

equities, assignee takes subject to all, 274.

incumbrances, inquiries as to, 273.

married woman cannot alienate property settled to separate use, 274.

mortgage, may be by way of, 277.

notice of equitable title, 273.

to trustees to be given, 276.

what is sufficient, 279.

See Notice.
priorities, 276, 281.
set-off, assignee takes subject to rights of, 274.
subject to rights of, 274.
suit by purchaser for conveyance, 273.
trustee cannot interfere, 273.
liability of, for loss after notice, 273.

by Hindu widow, 147.
of charity estates, 367.
property devoted to idol, 374.
wuqf property, 385—7.
restriction on, 37, 40.

500

INDEX.

ALLOWANCE.

to partner for carrying on business, 243, trustees, 243.

for outlay when ordered to reconvey, 290. See REMUNERATION.

ALMSHOUSE, trust for, 353.

ALTAMGHA, effect of use of word 383.

ALTERING SCHEME OF CHARITY, 358.

APPEAL.

from order on petition for advice, 218. is at trustee's risk, 217.

APPLICATION OF PURCHASE-MONEY.

liability of purchaser to see to, 228.

agent, payment to, will not discharge, 229. charge of debts releases liability, 230.

in case of purchaser from Hindu devisee, 232, notice of breach of trust, effect of, 231. on purchase under power of sale, 171. solicitor, payment to, will not discharge, 229. to whom purchase-money should be paid, 229.

under Fines and Recoveries Act, 229, Trustees' and Mortgagees' Powers Act, 229, 446, 453.

APPOINTMENT OF NEW TRUSTEE,

by Court, 330.

affidavits of fitness, 331. costs of suit for, 332. discharge of representatives of deceased trustee, 333. executor, discharge of, 333, grounds for appointment, 331, 333, Official Trustee when appointed, 332, 409, rules for selection of new trustees, 285. suit necessary, 284, 331. Trustees' and Mortgagees' Powers Act, 333, 454. where property lost, 332. whether retiring trustee must appoint successor, 331. See TRUSTS ACT, 1882.

of charity, 363, 365.

under powers in instrument, 327. abroad, trustee does not become incapable to act by going, 330. becoming 'unfit' or 'incapable to act,' 329. breach of trust, when retiring trustee liable for, 330. c. q. t. may be appointed, 329, declining to act. 328. effect of assignment by executors on, 123. exercise of power of, 329. for purpose of committing breach of trust, 330.

jurisdiction, new trustee must be in, 330. number of trustees, 328. payment into Court on retiring, 328. refusing to act,' what is, 328. retire, payment to trustee to, 830. retiring from trust, what is, 328. to aid in distributing trust-fund, 176. trustee dying in lifetime of settlor, 328. stamp on transfer, 330.

See NEW TRUSTEES; TRUSTS ACT, 1882.



APPOINTMENT OF NEW TRUSTEE-(continued). under Religious Endowments Act. 399. Religious Societies Act, 461. Trustees' and Mortgagees' Powers Act, 454.

Sec TRUSTS ACT, 1882.

APPOINTMENT OF RECEIVER, 339.

discharge of, 341.

duty of, to keep accounts, 157. grounds for: bankruptcy, drunkenness, insolvency, misapplication of assets, 340

poverty not, 340.

liability of, to pay interest, 313. remuneration of, 243.

sureties required on, 340. under Trustees' and Mortgagees' Powers Act, 447.

who may apply for, 340.

where waste, 147.

APPORTIONMENT

of fund between legatees and charities, 360. profits of trust-property employed in trust, 317.

APPROPRIATION OF LEGACY, when trustee may take steps for, 220.

ARREST of trustee about to abscond, 182.

ASSAM, Minors' Act in, 228.

ASSENT to creditor's deed, 75.

acceptance of trust by interfering with, 121. distribution of, 459. time for realizing, 173.

of equitable interest takes subject to all equities, 274, 324. insolvent neglecting to pay dividends liable to pay interest, 166,

reversionary heir cannot sue to restrain Hindu widow from committing waste, 148.

trustee cannot appoint new trustee under power, 329. purchase of insolvent's estate by, 264.

ASSIGNMENT.

by executors on appointment of new trustees, effect of, 123. for purpose of defrauding creditors, 60. of chose-in-action subject to trust, 58.

equitable interest, 56.

See ALIENATION. half-pay, 35.

renewed lease, 109.

ATTORNEY,

delegation of ministerial acts to, 240. See TRUSTS ACT, 1882.

employment of, to invest, 236. setting aside gift to, by client, 114.

See PARTNER; REMUNERATION; SOLICITOR.

when constructive trustee, 110.

See SOLICITOR.

502 INDEX.

AUCTION, when trustee may sell by, 222, 444. See TRUSTS ACT, 1882.

AUCTIONEER,

if trustee, may not profit from office, 255. remuneration of, if mortgagee, 243.

AUTHOR OF TRUST.

definition of, 18.
in Trust Act, 465.
delegation authorized by, 238.
remuneration of trustee may be fixed by, 247.
who may be, 124.

AUTHORITY from c. q. t. to pay trust-money to agent, 179.

AUTHORITY OF TRUSTEE generally, 219.

to appropriate legacy, 220.

buy in at sale 224.

compound debts, 222.

cut decaying timber, 220.

exercise discretionary powers of bond fide proprietor, 219.

insure, 221.

maintain c. q. t. though adult, 221.

infant c. q. t., 226.

pay barred debt, 222.

release debt, 222.

repair, 221.

sell by private contract or public auction, 222.

BADGES OF FRAUD, 117.

vary investments, 225.

BAILIFF, right of trustee to be reimbursed expenses of, 212.

BANKER,

deposit of moveable property, securities, or money with, 140. liability of trustee for failure of, 140, 142. note-of-hand of, not a sufficient security, 142.

BANKRUPTCY,

of trustee ground for appointment of receiver, 340, trust to cease on — of c. q. t., 41-45.

See Insolvency.

BARRED DEBT, when trustee may pay, 222. BARRISTER when a constructive trustee, 110. BATHING GHAT, trust for, 14.

BECOMING UNFIT OR INCAPABLE TO ACT, what is, \$29. BENAMI TRANSACTIONS, 97.

assent of benamidar to, unnecessary, 100. burden of proof of, 98. disputing landlord's title, 100. equitable owner may sue benamidar, 104. evidence to prove, 101-2. fraud, true owner may plead his, 105. Mahomedans, benami transactions among, 100. notice, purchase with, from benamidar, 104. oral evidence to prove, 102. pleading, 102. purchase at sale for arrears of revenue, 103. with notice of, 104.





BENAMI TRANSACTIONS-(continued). real owner may sue benamidar, 104. sale by benamidar, 103. son, purchase in name of, 93. standing by, 103. stranger, purchase in name of, 98. strict proof of benami title required, 101. transaction avowedly fraudulent, 105.

BENEFICIARIES, see CESTUI QUE TRUST; TRUSTS ACT, 1882.

BEQUEST to religious or charitable purposes, provisions of Succession Act as to, 352.

BEST ADVANTAGE, duty of trustee to sell to, 233.

BIBLES, trust for purchase of, 353.

BID, when trustee allowed to, for trust-estate, 264.

BILLS OF EXCHANGE, following trust-property converted into, 296.

BOMBAY, Minors' Act in, 228.

BOND OF INDEMNITY, when trustee entitled to, 178.

BOOKS OF ACCOUNT, production of, 157.

BREACH OF TRUST.

abscond, trustee who has committed a ---- and is about to abscond may be required to give security, 182. accumulate dividends, neglect to, is a, 184. acquiesence in by c q. t., 190. agent, liability of, for, 140, 184. appointment of trustee for purpose of committing, 330. by co-executor, 193, 201, 206. co-trustee, 140, 193. c. q. t., acquiescence in, by, 190. concurrence in, 188

joining in -- liability of, 322, 323. personal liability of, to reimburse trustee, 216. purchase of trust-estate from, 261. release by, from, 192.

compounding debts, when a, 252. concurrence in, 188.

confirmation of, 192.

contribution among co-trustees in respect of, 207.

costs of suit in respect of, see Costs.

criminal, 182, 406.

delay in seeking relief for, 191.

destruction of trust-property, liability of trustee for, where, 140.

extent of liability for, 182. following trust-estate, 191.

giving up custody of title-deeds is, 211.

imaginary values, where trustee charged with, 182, impounding fund in Court to meet liability for, 207.

indemnity-clause how far protection for, 201.

indemnity from gainer by, 217. injunction to restrain, 206, 287. insure, when neglect to, is, 140.

investment, neglecting. is, 314.

on personal security is, 142, 160

lease, taking lease of trust-property by trustee is, 260.

504

INDEX.

BREACH OF TRUST-(continued).

leaving trust-estate outstanding is, 137, 138.

liability of agent party to, 240.

partner employing trust-funds in business, 319. trustee delegating office, 235.

employing trust-funds in trade. 314. leaving property uninvested, 314.

limitation to suits in respect of. see LIMITATION.

loan by trustees to themselves is, 265.

loss by accident, where, 183.

mixing trust-funds with trustee's money is, 140, 142. neglect to accumulate dividends is, 184.

get in trust-estate, 137.

invest, 160.

obey directions in instrument of trust, 184.

pay premiums, 184. register, 184.

transfer stock, 184.

new trustee, liability of, for --- of predecessor, 136. non-investment is. 314.

note-of-hand, investment on, is, 161.

notice of, 231

Sec NOTICE.

parting with control of trust-property is, 141.

partner, liability of, for, 183.

payment to legatees while debts unpaid, 181.

under power of attorney when, 207.

personal liability of trustee for, 137.

though no benefit derived from, 182. personal security, lending on, is, 138, 142, 160, 265.

policy of assurance, neglect to keep up, when, 184, power, neglect to execute is, 184.

predecessor, liability of trustee for --- of, 193.

professional adviser, liability of, for, 183. promissory note, investment on, is, 160.

purchase by trustee for sale of trust-property, when, 256.

of debt when, 252.

insolvent's estate by assignee, 264. trust-estate from c. q. t., 261.

purchaser, following trust estate into hands of, 291.

from heirs of Mahomedan debtor, 312.

receipt, trustee or executor joining in for conformity, liability of,

for, 194, 199,

release by c. q. t. from liability for, 192.

representatives of deceased trustee, liability of, for his, 330,

sale, purchase by trustee for sale of trust-estate is, 256.

securities, neglect to realize when a, 137

set-off in respect of - not allowed, 192,

several liability of trustees for, 206.

solicitor, liability of, for — of partner, 183. stock, neglect to transfer, when, 184.

trade, employing trust-funds in, when, 251, 314. wilful default, when trustee charged with —— in respect of, 182, 187. See TRUSTS ACT, 1882.

BRIDGE, trust for repairs of, 352.

BROKER,

if trustee, may not profit from office, 255. liability of trustee for failure of, 141, 142,



BURDEN OF PROOF in benami transactions, 98, 101.

BURMA, Minors' Act in, 228.

BUYING-IN AT SALE, 224. See Trusts Act, 1882.

CAPRICE, liability of trustee refusing to transfer through, to pay costs, 119.

CARE required from trustee, 140. See Trusts Act, 1882.

CASES FOR OPINION OF COUNSEL, right of c. q. t. to. 212.

CENTRAL PROVINCES, Minors' Act in, 228.

CERTAIN.

gift to idol must be, 370. implied trust must be, 79. so trust for charitable or religious purposes, 355. See Trusts Act, 1882.

CESTUI QUE TRUST.

abroad, payment of trust-fund to, 207. should be party to suit, 344. acquiescence by, in breach of trust, 190. See Acquirement.

and trustee. parties to suit between, 343. assignment of equitable interest of, 56. See ALTENATION.

authority from to pay trust-money to agent, 179. concurrence by in breach of trust, 188. consent of to change of investment, 162, contract for remuneration with, 248 conveyance of trust-property to, 175. definition of, 18, 465. discharge of trustee from office by, 235, 327. election by, to take trust-property unconverted, 320, estoppel of, by settled account, 247.

failure of, 157.

heirs or next-of-kin of, 256.
gift by — to trustee, 252.
interest of each — to be attended to on sale, 169.
joining in breach of trust, liability of, 322.
liability to refund, if overpaid, 180
maintenance of adult, 221.

infant, 226. may be trustee, 132, 329.

set aside purchase of trust-estate by trustee, 259, one, not to be benefited at expense of another, 152, 162, payment of trust-fund after death of, 176.

to, without notice of transfer, 208, when abroad, 207.

personal liability of, to reimburse trustee, 216, purchase for benefit of, 252.

of trust-estate from, by trustee, when breach of trust, 261.

release to trustee from 177.

remedy of, in cases of non-investment and wrongful investment, 167.

in case of trustee's insolvency, 168.

and see Breach of Trust; Duties and Liabilities

OF TRUSTEES; SUIT.



CESTUI QUE TRUST-(continued).

right of, to account of rents and profits, 268.

alienate interest, 273. See ALIENATION.

apply for appointment of proper number of trustees, 280. of receiver, 340.

call for conveyance, 269. compel performance of act of duty, 287. copies of documents, 272. costs of suit to compel conveyance, 269. elect to take property unconverted, 320. execution of trust, 282. have fund paid into Court, 336. hold property absolutely, 271.

injunction to restrain breach of trust, 287. inspection of documents, 272.

institute suit for appointment of new trustees, 284. to compel conveyance, 269.

proper number of trustees, 284. rents and profits, 268.

set aside purchase of trust-property by trustee, 289.

specific performance of trust, 271. suit by trustee against, to recover advance, 216. to be pointed out on creation of trust, 52. transferree from, rights of, 324 when necessary party to suit, 341, 344.

trustee should apply for advice of, 220. who may be, 127, 467.

See TRUSTS ACT, 1882.

CHANGE OF INVESTMENT, consent of c. q. t. to, 162.

CHARGE OF DEBTS, liability of purchaser to see to application of purchase-money where there is a, 230.

CHARGES AND EXPENSES when allowed to trustee, 347.

CHARITABLE PURPOSES,

registration of societies for, 391.

See REGISTRATION OF SOCIETIES ACT.

when Official Trustee may be appointed trustee of trust for, 409.

CHARITABLE TRUSTS, 349.

account, trustees of, must, 361.

Advocate-General when a necessary party to suit respecting, 363. alienation of property devoted for, 369.

altering scheme of, 358. among Hindus, 369.

Mahomedans, 380.

appointment of new trustees of, 365. apportionment of fund given for, 360.

breach of trust, 362.

certain, gift for, must be. 355.

Civil Procedure Code, provisions of, as to, 363.

construction of will containing, 357.

contemporaneous usage, when evidence of, admissible to aid in construing will, 357.

controlling revenues of property devoted to, 367.

ey près, doctrine of, 357. establishment of, 350.

evidence to explain will containing, 357.

failure of, 358.





CHARITABLE TRUSTS -(continued) foreign country, gift for --- in, 362. gift for - must be public and certain, 354, 355. generally, effect of, 358. immoveable property, --- may be created, 352. intention of testator to give to ---- when carried out oy pres, 359. limitation of suit for account of. 364. Mortmain Act not applicable in India, 351. new trustees, appointment of, 365. Official Trustee when appointed trustee of, 366. parties to suits respecting, 363. principles of construing will containing, 357. procedure in suit for breach of, 363. purchaser without notice from purchaser with notice of, 363. redress for breach of —— how obtained, 363. scheme of, power of Court to alter, 358. Succession Act, provisions of, as to creation of, 352. suits respecting, 363. superstitious trusts, 350. trustees of, account from, 364. uncertainty, when gift to-void for, 355. vesting property in new trustees, 366, 367. visitors, 367. what are, 352, 354. wills, construction of, 357.

CHATTELS, trustee of, should make inventory, 137.

See TRUSTEE ACT; TRUSTS ACT, 1882.

CHILD.

gift by, to parent, 112. no resulting trust on purchase in name of, 90.

CHILD AND STRANGER, resulting trust on purchase in names of, 94.

CHCSE-IN-ACTION, alienation of, 273.

assignment of, subject to trust, 58.

CHURCH, trust for, 352.

CIVIL PROCEDURE CODE,

chap. xxxiv, p. 182. ss. 15, 16, p. 26. ss. 26, 27, and 28, p. 341. ss. 33, 438, and 439, p. 345, s. 317, p. 102. s. 437, p. 342. ss. 437, 439, and 539, p. 15. s. 539, p. 563.

CLASS OF PERSONS, charitable trust for, 354.

CLIENT AND LEGAL ADVISER, setting aside transactions between, 114, CO-EXECUTOR.

delegation of office to, 236.

liability of one for breach of trust of his ---, 193, 201.

COLONIES, trust of land in, 29-31.

COLOURABLE GIFT TO IDOL, 370.

COMMITTEE,

appointment of, under Act XX of 1863, p. 399. of lunatic, remuneration of, 243,

508 INDEX.

COMMON ACCOUNT, liability of trustee under decree for, 204.

COMMUNICATION of deed to creditor, 76.

COMPANY.

investment on stock or shares of, 161. trust for a private ---- in perpetnity, void, 335.

COMPENSATION, conditions of sale as to, 221.

COMPOUNDING DEBTS.

liability of executors and trustees for, 252. powers of, 222.

under Trustees' and Mortgagees' Powers Act, 457. See TRUSTS ACT, 1882.

COMPOUND INTEREST, liability of executor or administrator to pay, 313. trustee, 166, 318. See TRUSTS ACT, 1882.

COMPULSORY PAYMENT into Court, 336.

CONCURRENCE IN BREACH OF TRUST, 188. See TRUSTS ACT, 1882.

CONDITIONS OF SALE,

what are allowable on sale by trustees, 223. under Trustees' and Mortgagees' Powers Act, 444. See TRUSTS ACT, 1882.

CONDUCT, disclaimer by, 133.

CONFIDENCE IN TRUSTEE, 16.

CONFIRMATION

in case of voluntary gift, 118. of breach of trust, 192. purchase of trust-property by trustee, 261.

CONFORMITY, executors and trustees joining in receipt for, 194-199. See TRUSTS ACT, 1882.

CONSENT

of c. q. t. to change of investment, 162 Court to investment, 163. See TRUSTS ACT, 1882.

CONSIDERATION,

evidence to prove, 70. fictitious - is badge of fraud, 117 not necessary to valid declaration of trust, 52, trustee retiring for, 255. what is a valuable, 59. See TRUSTS, ACT, 1882.

CONSTRUCTIVE NOTICE, 104, 293.

CONSTRUCTIVE TRUST.

acquiescence, 118. laches, 119. limitation, 365.

persons gaining benefit from fiduciary relation, hold property on, 107, agent, 107.

factors, 107. guardian, 113. legal advisers, 109, 114.





constructive trust—(continued).

medical advisers, 111, 115.

parent, 112.

partner, 107.

spiritual advisers, 111.

trustee, 107.

setting aside gifts, 115.

See Trusts Act, 1882.

CONTINGENT RIGHT, see TRUSTEE ACT, 416.

CONTINUING LIABILITY of old trustee, 437.

CONTRACT,

every person competent to, may create trust, 124, 467.

See Trusts Acr. 1882.

for remuneration with c. q. t., 248.

trust founded on an illegal, 35.

when trustees may sell by, 222, 444.

contract act, s. 23, p. 33. ss. 57, 58, p. 49. s. 157, p. 319.

CONTRACT OF SALE, conditions as to, 224.

CONTRIBUTION, 206. See TRUSTS ACT, 1882.

CONTROL OF TRUST FUND, duties of trustees as to, 141.

CONVERSION, 320. of perishable property, 148. See Trusts Acr 1882.

CONVERTED TRUST PROPERTY, following, 294.

CONVEY,

power of High Court to appoint person to, 425. trustees to, 225 See TRUSTS ACT, 1882.

CONVEYANCE

all trustees must join in, 240.

by trustee exercising power of sale, 445.

of equitable interest how made, 274.

trust-property to c. q. t., 175.

right of c. q. t. to call for, 269.

to new trustees, 334.

without consideration, resulting trust on, 90.

COPIES

of accounts, right to, 158. documents, right of c. q. t. to, 272. See Trusts Act, 1882.

CORPORATION

may create trust, 124. may be o. q. t., 127. trustee, 130.

CORPUS.

lien of trustee on, for expenses, 215.

510

INDEX.

COSTS.

after decree, 347.

between stranger and parties to trust, 346.

trustees and c. q. t., 346.

caused by trustee's misconduct, 348.

charges and expenses, 347.

in suit for breach of trust where several defendants involved, 207. of accounts, 348.

application to High Court under Religious Societies Act, 463.

appeal, 217,

counsel's opinion on title, 170.

disclaimer, 347.

determining question of law, 348.

relating to trustee's private interests, 348.

inability or refusal to account, 158.

independent action by trustees, 241.

legal advice on purchase by trustee, 171.

petition under Trustee Act, 441.

refusing to convey trust-estate. 269.

setting aside voluntary gift, 119.

severing defence, 345--6

solicitor, trustee acting for himself, 246.

suit against Official Trustee, 411.

for appointment of new trustee. 332. necessary by act of trustee, 347

to assert title to trust-fund, 178.

discharge trustee, 332.

remove trustee, 285. set aside sale to trustee, 291.

trustee after disclaimer, 133.

not making inventory of chattels, 137.

out of fund, 347.

reimbursement of trustees for, 213.

under Act XX of 1868, p. 404

See TRUSTS ACT, 1882.

CO-TRUSTEES

delegation of office to, 236.

disclaimer by, 133

joint nature of office of, 240

liability of trustee for improper accounts of, 157.

loss caused by, 140.

several liability of, 206.

when one trustee liable for breach of trust of his ---, 193. See TRUSTS ACT, 1882.

COUNSEL,

costs of opinion on title, 170.

right of c. q. t. to cases for opinion of, 212.

when trustee entitled to take opinion of, 134.

alteration of scheme of charity by, 358.

appointment of new trustees by --- , see APPOINTMENT OF NEW TRUSTRES.

consent of, to investment, 163.

decree of, indemnity to trustee, 217.

discharge of trustee by, 330.

affidavit of fitness of new truste on, 331.

caprice, trustee cannot throw up trust from, 331.

conveyance to new trustee on, 334.





COURT-(continued). dischargecosts of, 332.

grounds of, 331--3. of representatives of deceased trustee, 333.

suit necessary, 331. under Trustees' and Mortgages' Powers Act, 333. where property lost, 332,

whether retiring trustee must appoint successor, 331. disclaimer in, 133.

execution of trust by, 282. impounding trust-fund in, 207.

leave of, when required for sale or mortgage, 168. purchase, 171.

payment into, on retirement, 328.

generally, 338. out of, to single trustee, 180.

petition for advice of, 218. See PETITION.

remuneration of trustee appointed by, 246. See TRUSTS ACT, 1882.

COVENANTS, usual on sale by trustees, 224.

CREATION OF TRUST, 51.

See DECLARATION OF TRUST; TRUSTS ACT, 1882

CREDITORS,

benami transaction to defraud, 105, purchase by, of insolvent's estate, 264. void as against, 92. suit by, against benamidar, 105.

trusts for, 14. voluntary settlement for purpose of defrauding, 59.

CREDITORS' DEED, communication of, 76. execution of, 75.

revocation of, 73. CRIMINAL BREACH OF TRUST, 182. of property of religious endowment, 406.

CURATOR, remuneration of, 249. See TRUSTS ACT, 1882.

CUSTODY OF TITLE-DEEDS, right of trustee to, 211, 272. See TRUSTS ACT, 1882.

CY PRES.

doctrine of, 23. in case of charity, 357-361.

gift in expectation of, when set aside, 115. of e. q. t., payment after, 176. presumption of, 176 vacation of office of trustee by, 488.

harred, when executor or administrator may pay, 222, compounding and releasing, 222.

See Trusts Act, 1882.

due to trust-estate, duty of trustee as to, 137.



DEBT—(continued).

liability of purchaser to see to application of purchase-money in payment of, 230.
payment of, by instalments, 138.
trust for payment of, 76.

DEBUTTUR PROPERTY,

alienation of, 374.
by lease, 374.
estate which may be created on, 374.
evidence of endowment to be given, 375.
sale of, how far set aside, 375.
necessity for to be proved, 374.
turn of worship, 376.
trustee may not profit by, 375.

DECLARATION OF TRUST, 51. by c. q. t. of equitable interest, 56. consideration for -- not necessary, 53. incomplete, not enforced against author of trust, 53. intention to create trust must be shown, 52. may be by deed or will, 51. must be complete, 53. of immoveable property, 52, 466. moveable property, 51, 466. property passing by delivery, 54. parol, 52. Statute of Frauds how far in force in India, 52. transmutation of possession not necessary, 53. valuable consideration, effect of, 52. when complete, 56, 57, 465. writing when necessary, 52.

See TRUSTS ACT, 1882; VOLUNTARY SETTLEMENTS.
DECLARATION of election to take property unconverted, 321.

'DECLINING TO ACT,' what is, 328.

DECREE.

off Court, indemnity to trustee, 217.
payment of trust-fund into Court after, 338.
primâ fucie proof of necessity for sale, 311.
suspension of trustees' power after, 232.
See Trusts Acr, 1882.

DEED,

implied trust in, 77. for benefit of creditors, 74, 76.

DEFAULT, wilful, must be pleaded, 187.

DEFENDING ACTION, duty of trustee as to, 137. See Trusts Act, 1882.

DEFRAUDING CREDITORS
by benami transaction, 105.
voluntary settlement for purpose of, 59.

DELAY
in applying to set aside voluntary gift, 119.
disclaiming trust, 133.
proceeding against trustee for breach of trust, 191.
realizing trust-property, 174.
re-selling, 225.



DELEGATION OF TRUST, 235.

authorized by settlor, 238.
breach of trust, liability of trustee for, 235.
employment of solicitor to invest, 236.
for sale, 222.
fraud by co-trustee, 239.
legal and moral necessity for, 237.
of discretionary nature, 238.
ministerial act, 240.
to agent, 240.
broker, 236.
co-executor or co-trustee, 236.
trustee, 236.
when necessary, 236.

See Trusts Acr, 1882.
DELIVERY OF TITLE-DEEDS, trust for, 212.

DEPOSIT, conditions of sale as to return of, 224.

DEPRECIATORY CONDITIONS OF SALE, trustee should not employ, 223.

DERIVATIVE TITLE, 176,

DESTRUCTION

of books of account, liability of trustee for. 157. trust-property, liability of trustee for, 140.

DETERIORATION OF TRUST-PROPERTY when breach of trust, 140.

DEVISE subject to trust for idol, 373.

DEVISEE of trustee cannot appoint new trustee under power, 329.

DILIGENCE, duty of trustee to use, 168.

DIRECTOR.

may not profit from office, 254.

See TRUSTS ACT. 1882.
remuneration of, when partner solicitor, 246.

DISABILITIES OF TRUSTEES, 234. See TRUSTS ACT, 1882.

DISABILITY, payment of trust-fund to persons under, 180.

DISCHARGE,

by payment to agent, 240.
how trustee may obtain, 235, 327, 330.
See TRUSTS ACT, 1882.
of person paying purchase-money, 446.
receiver, 341.
representatives of deceased trustee, 383.
trustee's receipt when, 456.

DISCLAIMER OF TRUST, 132, 467.

acquiescence when a bar, 134. acts of ownership, trustee may not disclaim after exercising, 132. by heir of trustee, 132.

one trustee not ground for appointment of receiver, 341. parol, 133.

renunciation of probate, 122. written statement, 133.

counsel's opinion as to, when trustee may take, 13±. delay when a bar, 133.

514

INDEX.

DISCLAIMER OF TRUST—(continued).
how made, 133.
in Court, 133.
when trustee may disclaim and accept gift, 133.
See Trusts Act, 1882.

DISCLAIMING TRUSTEE, costs of, 347. not necessary party to suit, 344.

DISCLOSING TRUST on purchase from trustees, 171.

DISCRETION

of trustees as to selling trust-property. 173.
not generally interfered with, 152, 155.
when Court will interfere with, 242.
See Trusts Act, 1882.

DISCRETIONARY TRUST. 18.
delegation of, not permitted, 239.
for sale cannot be exercised by infant, 127.
See Trusts Act, 1882.

DISPUTING LANDLORD'S TITLE, 100.

DISSENTERS, trust for, 353.

DISSOLUTION OF SOCIETIES, registered under Act XVI of 1860, p. 394. under Religious Societies Act, 462,

DISTRIBUTION
of trust-fund, 175.
under Trustees' and Mortgagees' Powers Act, 459.

DOCUMENTS, right of c. q. t. to inspection of, 272.

DOUBTFUL EQUITY, purchaser taking with, 294.

DUTIES OF TRUSTEES, acceptance of office, consequent on, 135. accounts, as to, 157.

See ACCOUNT. active, in execution of trust to be, 135. acquaint themselves with state of trust, 136. advantage, trustee may not derive, from trust, see PROFIT. attend to interests of all parties, 169. care required from trustees, 140. charities, see CHARITABLE TRUSTS. collect debts due to estate, 137. control of trust-funds, 141. conversion of perishable property, 148. convey, see CONVEYANCE. custody of moveable property, 140. debts, see DEBTS. delegate, trustees may not, see DELEGATION. distribute trust-fund, 175. get in trust-estate, 136, 137, 140. impartial, to be, 152. insure, when trustee may, 221. investments, as to, 159. outstanding property, getting in, 136, 137, 140. protect trust-estate, 137. purchase, 171.



DUTIES OF TRUSTEES-(continued).

realize securities, time to, 139.

sale, see SALE.

title, to make good, to trust-property on sale, 170.

trustees may be compelled to perform act of duty, 271, 287.

varying securities, as to, 162.

waste, to prevent, 142.

See MANAGER OF JOINT HINDU FAMILY; TRUSTS ACT, 1882;

WASTE.

EARMARK, meaning of, as applied to money, 295.

EDUCATION, trust for, 352, 354. See TRUSTS ACT, 1882.

ELECTION

by c. q. t. as to remedy when trust-property lost, 165.
where trust-property to be sold or invested, 320.
one c. q. t. to retain share unconverted, 320.

ENDOWMENT

of land subject to mortgage, 384. under Act XX of 1863, p. 396. See Religious Trusts.

ENFORCING VOLUNTARY SETTLEMENT, 72.

ENJOYMENT OF PROPERTY, trust postponing, 37.

EQUITABLE ESTATE, 8.

EQUITABLE INTEREST, assignment of, 56.
Sec ALIENATION; ASSIGNMENT.

EQUITABLE OWNER, proof of benami title by, 105.

EQUITABLE WASTE, 145.

EQUITIES, assignee takes subject to, 274, 324.

ESSENCE OF CONTRACT, conditions as to time being of the, 224.

ESTATES OF FREEHOLD, 2.

ESTOPPEL

in benami transaction, 100. of c. q. t. by settled account, 247.

EVIDENCE,

of acceptance of trust, 122.
appropriation, 382
benami transactions, 107.
election to take property unconverted, 321.
endowment, 375.

necessity for sale, 311. to contradict recitals in deeds, 122.

prove consideration, 70. rebut presumption of advancement. 94.

resulting trust, 88, 94.

EVIDENCE ACT,

s. 111, p. 111.

s. 116, p. 100.

EXECUTED TRUSTS, 20.

516 INDEX.

EXECUTION.

of creditor's deed, 75.

powers under Trustees' and Mortgagees' Powers Act. 451.

trust, discretion as to mode of, not interfered with, 155.

for idol, 380.

right of e. q. t. to. 271.

right of e. q. t. to. 271.

See TRUSTS ACT, 1882.
suit for, 282.
trustees to be impartial in, 152.

EXECUTION-SALE, liability of purchaser to see to necessity, 311.

EXECUTOR.

also trustee, acceptance of trust by, 120. compounding debts, liability of, 252. discharge of, 333. disclaiming may act as agent, 134. duty of, to account, 157. employing trust-fund in trade, 251. gift to, disclaimer of office of, 133. joining in receipt for conformity, 199. liability of, to pay interest. 166, 313. may compound debts, 222, 457. keep ready-money for winding up estate, 142. not purchase assets, 265. petition for advice of High Court by, 459. proof in insolvency by, 240. release to, 177.

release to, 177.
retirement of, 235.
time for realizing assets, 173.
when necessary party to suit, 344.
when one liable for breach of trust of another, 193, 201.
See Trusts ACT, 1882.

EXECUTOR DE SON TORT, constructive trust on renewal of lease by, 107.

EXECUTOR OF AN EXECUTOR, 121.

EXECUTORY TRUSTS, 20.

cy près, application of doctrine of, to, 23.
in marriage articles, 22.

wills, 23.
intention of settlor carried out, 24.

EXPENSES.

lien of trustee for, 215.

agent has no lien for, 215.

right of trustee to be reimbursed for, 212.

See Trusts Act, 1882.

EXPRESS TRUST, no limitation in case of, 303.

EXTINCTION OF TRUST, 335 See Trusts Act, 1882.

FACTOR when considered a constructive trustee, 107.

FAILURE,

of c. q. t., 157.
 charitable trust, 359.
 heirs of c. q. t., 256.
 next-of-kin, 256.
 trust, 48.



INDEX.

FAMILY RELIGIOUS TRUST, 14.

FATHER, maintenance of infant c. q. t. by, 226.

FEE-SIMPLE, estates in, 3.

FEES TO COUNSEL, right of trustee to be reimbursed, 212.

FELON, creation of trust by, 126.

FEMALE

may be mutawalli, 388. trustee of idol, 376.

FEUDAL SYSTEM, 2.

FICTITIOUS CONSIDERATION is badge of fraud, 117.

FICTITIOUS CONVEYANCE, trust founded on, 35.

FIDUCIARY RELATIONSHIP,

jurisdiction of Courts to set aside gifts to persons standing in --- to donor, 111. resulting trust, 93.

See TRUSTS ACT, 1882.

FINES AND RECOVERIES ACT, 229.

FITNESS OF NEW TRUSTEE, affidavit of, 331.

FOLLOWING

converted trust-property into hands of third person, 294.

See TRUSTS ACT, 1882. estate of Mahomedan debtor, 312.

trust-property into hands of purchaser for value. 291.

from manager of joint Hindu family, 306.

FORECLOSURE, suits for, of land beyond jurisdiction, 28.

FOREIGN COUNTRY,

gift to charity in, 362 investment in securities of, 161.

trust of land in, 29, 49.

FORFEITED PROPERTY, trust cannot be created of, 126.

FORFEITURE, clause of, strictly construed, 46.

FRAUD,

by co trustee, exoneration of trustee from loss caused by, 239, defective title cannot be strengthened by, 294. effect of, in computing period of limitation. 303. obtaining concurrence of c, q, t, in breach of trust by, 190. setting aside voluntary gift on ground of, 59, 111. trust founded on, 35.

trustees not allowed expenses if guilty of, 213.

FREEHOLD ESTATES, 2.

FUND.

costs out of, 347. in Court, impounding, 207.

FUTURE ILLEGITIMATE CHILDREN, trust for, 35.

GETTING IN TRUST ESTATE, 136, 137, 140.

518

INDEX.

GIFT.

by c. q. t. to trustee, 252.
coupled with duty, 248.
to persons in fiduciary capacity, 111.
religious houses, 4.
trustee disclaiming, 133.

GOOD FAITH, onus of proving, in case of gift to person in fiduciary capacity, 111.

GOVERNMENT

cannot be trustee, 129, may be c. q. t., 127, create trust, 124.

GOVERNMENT SECURITIES, when trustee bound to invest in, 160, 410, 445, 453.

See Trusts Act, 1882.

GUARDIAN,

may not profit by office, 254, onus of proof of good faith on purchase from, 292, setting aside gift to, by ward, 113,

HEIRS OF C. Q. T., failure of, 256.

HEIRS OF TRUSTEE, disclaimer by, 132.

HIGH COURT,

petition for advice of, 218.

under Religious Societies Act, 463.

Trustees' and Mortgages' Powers Act, 459.

See Trusts Act, 1882.

HIGH COURT CHARTER, 27.

HINDU.

devisee, liability of purchaser from, to debts of ancestor, 231, family, liability of manager of, to account, 158, purchaser from manager of, 306, trust by married woman of stridhan, 125, widow, alienation by, 147, waste by, 145.

HINDUS.

declarations of trust by, 51.
perpetuities among, 40.
religious trusts among, see Religious Trusts among Hindus;
Trusts Act, 1882.

HINDU WILLS ACT, ss. 1, 7, p. 342.

HOSPITAL, trust for, 352.

IDOL,

gift to, 370.

suit for breach of trust of property dedicated to, 364.

ILLEGAL CONTRACT, trust founded on, 35. See Trusts Act, 1882.

ILLEGAL PURPOSE, failing, 48. resulting trust, 85.

ILLEGALITY, plea of, 48, 49.

ILLEGITIMATE CHILDREN, trust for, 35.



IMAGINARY VALUE, trustee when charged with, 182. IMMORAL PURPOSES, trust for, 35, 48.

IMMOVEABLE PROPERTY. beyond jurisdiction, trust of, 26. in foreign country, trust of, 49. trust of, for religious or charitable purpose, 351. See TRUSTS ACT, 1882.

IMPARTIAL, trustee bound to be, 152. See TRUSTS ACT, 1882.

IMPLIED TRUSTS, 77.

agreement to settle property, 83. precatory words. certainty requisite, 79. entreaty, 78, 79. intention to give absolutely not cut down by, 80. maintenance, 80. object must be described, 79. recommendation, 78, 79. vendor when trustee for vendee, 83.

IMPOUNDING FUND IN COURT, 207.

IMPROVEMENT,

allowance to trustee for, when ordered to reconvey, 290. of particular place, trust for, 354.

'INAM,' effect of use of the word, 383.

'INCAPABLE TO ACT,' what is, 329. See TRUSTS ACT, 1882.

INCOME, accumulation of, when applicable for future maintenauce, 226. INCOMPLETE TRUST not enforced against settlor, 53.

INCUMBRANCES,

covenant against, by trustees, 225. new trustee not bound to inquire as to, 176.

INDEMNITY, clause of, 201, 209.

not protection against negligence, 141. when presumed, 456.

decree of Court of first instance is -- to trustee, 217. from gainer by breach of trust, 217.

to passive trustee, 206.

persons obeying orders under Trustee Act. 443. when trustee entitled to bond of, 178, 216, 270.

See TRUSTS ACT, 1882.

INDEPENDENT ADVICE, donor should have, 117.

INFANT.

cannot create trust, 125. exercise discretionary trust, 127.

c. q. t., power to apply property for maintenance of, 221, 226, 454. may be trustee, 127. purchase from, by guardian, 264.

INFORMATION, duty of trustee to furnish c. q. t. with, 157.

See TRUSTS ACT, 1882. INHABITANT of particular place, trust for, 353.



GL

520

INDEX.

INJUNCTION.

power of Court to interfere with discretionary power by. 242, to restrain trustee from committing breach of trust, 206, 287, proceedings by another Court, 31, waste by tenant-for-life, 142.

Hindu widow, 146.

See TRUSTS ACT, 1882.

INSOLVENCY-

proof in, by trustees and executors, 241. of trustee, remedy of c. q. t. in case of, 168. trust to cease on, 41, 45. when ground for appointment of new trustee, 330.

INSOLVENT-

may be trustee. 131.
purchase of estate of, by assignee, 264.
trustee, necessary party to suit, but not his representatives, 344.
See Trusts Act, 1882.

INSOLVENT ACT, 88. 9, 24, p. 65.

INSPECTION-

of documents, right of c. q. t. to, 272. under Registration of Societies Act. 395.

INSTALMENTS, payment of debt by, 138.

INSTRUMENT OF TRUST, discharge of trustees from office under power in, 327.

INSURANCE of trust-property, 140, 221.

INTENTION-

of author of trust carried out, 20, 24, 80, 283. to create trust, 52. take property unconverted, 321.

INTEREST-

compound, liability of executor or administrator to pay, 313. trustee, 166, 318,

See TRUSTS ACT, 1882.

liability of e. q. t. to refund purchase-money with, 289, executor or administrator to pay, 313, trustee to pay, 165, 314.

on advances by trustee, 216.

ente of 167

rate of, 167.

trustee not liable to pay when he has paid trust-fund to wrong persons, 178.

INVENTORY OF CHATTELS, trustee should make, 137.

INVESTMENT,

authority to invest on personal security may be given by author of trust, 161. [is. 160.

breach of trust, conversion of trust-fund into improper securities neglect to follow directions in instrument of trust as to —— is, 160.

by Official Trustee, 410.

c. q. t., one not to be benefited by —— at expense of another, 162. consent of s. q. t. to change of, 162.

Court, 163.





INVESTMENT-(continued).

continuing investments, duty of trustee as to, 162. conversion of trust-fund into unauthorized securities is breach of trust, 160.

directions of instrument of trust as to --- to be followed, 160. discretion of trustee as to, not interfered with, 154.

what securities authorized when mode of investment left to discretion of trustees, 161.

duties of trustees as to ---- generally, 159.

employment of solicitor to make, 236.

Government securities, when trustees bound to invest in, 160.

non-investment, liability of trustee for, 314. remedy of c. q. t. for, 165.

of moneys arising from sale, 445.

on banker's notes-of-hand, 142.

mortgage, precautions to be taken, 163.

personal security as a rule is breach of trust, 160.

when allowed, 161.

private securities, 161.

securities of foreign States, 161. shares in private companies, 161.

power of varying, 162, 225. Official Trustee as to, 164.

remedy of c. q. t. for non-investment, 165.

for wrongful investment, 167

trustee giving receipt for conformity bound to see to, 194.

trustees may not lend to themselves, 163.

under Trustees' and Mortgagees' Powers Act, 164, 453.

varying securities, 162, 225. See TRUSTS ACT, 1882.

IRREVOCABLE, trust completed is, 59, 380.

JEWS, trust for, 353.

JOINING,

in breach of trust, liability of c. q. t. for, 322.

See TRUSTS ACT, 1882.

in receipt for conformity, 194. See TRUSTS ACT, 1882.

JOINT HINDU FAMILY, purchase from manager of, 306.

JOINT LIABILITY of trustee for sale, 168.

JOINT TENANCY on purchase in names of father and son, 94.

JOINT TENANTS, trustees are, 335.

JUDGMENT, fair exercise of, by trustees when a protection, 138.

JURISDICTION-

c. q. t. beyond, should be party to suit, 344. new trustee should be within, 330. trusts of immoveable property beyond, 26.

trustee beyond, not necessary party to suit, 344.

JUST ALLOWANCES, 253.

KINDS OF TRUST.

discretionary, 18.

executed and executory, 21.

lawful, 19.

ministerial, 18.

mixture of trust and power, 19.



KINDS OF TRUST-(continued).

private, 19.
public, 19.
simple, 18.
special, 18.
unlawful, 19.

LACHES in applying to set aside voluntary gift, 118.

LAND.

purchased with trust-money, lien of $\sigma.q.t.$ upon, 30% suit for —— beyond jurisdiction, 27. to be converted into money, election, 320. trust of —— beyond jurisdiction, 26.

LANDLORD, suits by and against, in benami transactions, 100, LAW, trust forbidden by, 35, 37.

LAWFUL TRUST, 19, 32.

See Trusts Acr, 1882.

LEASE.

of charity-property, suit for, 363.
trust-property, trustee may not take, 260,
wuqf property, 386.
renewal of, by trustee, constructive trust on, 107.

LEASEHOLDS.

investment on, 163, duty of trustee to convert, 149, See TRUSTS ACT, 1882,

LEAVE OF COURT,

when required for purchase, 171. institution of suit, 27.

under Religious Endowments Act. 404.

LEAVE TO BID when given to trustee, 264.

LEGAL ADVICE, trustee for sale or purchase may take, 171.

LEGAL ADVISER-

right of trustee to be reimbursed expenses of, 212, setting saide gift to —— by client, 114. when a constructive trustee, 109, See Trusts Act, 1882.

LEGAL ESTATE, 8.

LEGAL NECESSITY-

for delegation of trust, 237. sale by manager of Hindu family, 306. of property devoted to idol, 374.

LEGAL REPRESENTATIVES may not purchase assets. 265.

LEGATEE, whether liable to refund legacy paid by mistake, 180.

LEND, trustees may not --- to themselves, 265.

LIABILITY,

of administrator to pay interest, 313.
agent party to breach of trust, 240.
c. q. t. joining in breach of trust, 322.
executor to pay interest, 313.







LIABILITY-(continued).

of partner employing trust-fund in business, 319. purchaser to see to application of purchase-money, 228. transferee from c, q, t., 324.

See BREACH OF TRUST; CESTUI QUE TRUST; TRUSTEE.

LIEN.

agents of trustees have no. 215. of c. q. t. on land purchased with trust-money, 303.

trustee for expenses out of pocket, 215.

LIMITATION, 186, 303.

in cases of charitable trust, 364. of several liability of co-trustees, 206. suits for turn of worship, 377.

LIMITATION ACT,

s. 10, pp. 15, 186, 304, 305. s. 21, p. 241.

sched. ii, art. 98. p. 305. arts. 98, 100, 133, 134, p. 15. arts. 133, 134, p. 305.

LIMITATIONS, on gifts to religious and charitable purposes, 352. LIVERY OF SEISIN, 3.

LOCO PARENTIS, setting aside gift to person in, 113.

LOSS BY ACCIDENT, when trustee liable for, 183.

LOTS, sale in, 223, 444.

LUNATIC cannot create trust, 124.

MADRAS, Minors' Act in, 228.

MAHOMEDAN,

benami transactions among. 100. debtor, purchase from heirs of, 312. declarations of trust by, 51, law of wuqf, see WUQF.

MAINTENANCE.

discretion of trustees as to —— not interfered with, 154. of orphans, charitable trust for, 352.

power to apply property for —— of adult o. q. t., 221. infant o. q. t., 226.

precatory trust for, 80. under Trustees' and Mortgagees' Powers Act, 454.

MAIRWARRA, Minors' Act in, 228.

MANAGEMENT,

of trust for idel, 218.
petition for advice of High Court a: to, 218, 459.
removal of Hindu widow from, 147.
trustee entitled to be reimbursed expenses of, 214.

MANAGING MEMBER.

of joint Hindu family, liability of, to account, 158. purchase from, 306.

MARRIAGE ARTICLES, executory trusts in, 21.

MARRIED WOMAN,

cannot assign interest in property settled to separate use, 274.
claim fund settled to her separate use, 272.

creation of trust by, 125. may be trustee. 131. See Trusts Act, 1882. 524 INDEX.

MASSES, trust for, 350.

MEDICAL ADVISER, setting aside voluntary gift to, 111.

MERGER, 18.

MESNE PROFITS, account of, by trustee renewing lease, 109.

MINISTERIAL ACT, delegation of, 240.

MINISTERIAL TRUST, 18.

MINOR.

caunot create trust, 125.

exercise discretionary trust for sale, 127.

may be trustee, 127.

maintenance of, see MAINTENANCE.

payment of money of, into Court under Trustee Act, 440.

purchase from - by trustee. 264.

See TRUSTS ACT, 1882.

MINORS' ACTS, 227, 228.

MISDESCRIPTION, effect of, on sale by trustee, 224.

MISTAKE, rectification of settlement on ground of, 72.

MITAKSHARA LAW,

gift for pions purposes by father governed by, 369. sale of property of father governed by, 308.

MIXING trust-fund with trustee's money, 140, 142, 297, 318. See TRUSTS ACT, 1882.

MIXTURE of trust and power, 19.

of executing trust, discretion of trustee as to, not interfered with, 155. nor of investing, 154.

MOHUNT.

appointment of, 376. removal of, 379.

MONEY,

duty of trustee as to trust-fund consisting of, 140. following trust-property converted into, 295. to be converted into land, election, 320. See TRUSTS ACT, 1882.

MORAL NECESSITY for delegation of trust, 237.

MORTGAGE,

assignment of equitable interest by way of, 277. duties of trustee for, 168.

investment on, 163.

See TRUSTS ACT, 1882. not authorized by absolute trust for sale, 170. notice of equitable assignment by, 281. of charitable property, suit to authorize, 363.

when leave of Court required for, 168.

MORTGAGEE,

covenants entered into by. 224. purchase by - from mortgagor, 265,

remuneration of . 243. renewal of lease by, constructive trust on, 109. trustee not charged as -- for what he might have received, 182. when allowed to purchase mortgaged estate, 258.





MORTMAIN, 14.

MOSQUES, provisions of Act XX of 1863 as to, 396.

MOTHER, no resulting trust on purchase by, 91.

MOVEABLE PROPERTY.

abroad, trust of, 32 declaration of trust of, 51. delivery up of, by trustee, 156. power to sue for, 137. trusts of, 26

Sec TRUSTS ACT, 1882.

MUTAWALLI, female may be, 388. See WUQF.

NECESSITY.

for delegation of trust, 236.

sale of property of joint Hindu family, duty of purchaser to see to, 307.

decree is primâ favie proof of, 311.

what is, 308.

See TRUSTS ACT, 1882.

NEGLECT to follow directions in trust-deed, liability of trustee for, 184.

See BREACH OF TRUST.

NEGLIGENCE, trustee not entitled to be reimbursed his costs if guilty of, 213.

NEGOTIABLE INSTRUMENTS,

following trust-property converted into, 295.

NEW TRUSTEES,

appointment of, see APPOINTMENT OF NEW TRUSTEES; TRUSTS ACT. 1882. not liable for breach of trust of predecessors, 136. vesting immoveable property in, 436.

right to call for transfer of stock in, 437.

NEXT-OF-KIN of c. q. t., failure of, 256.

NON-INVESTMENT,

liability of trustee for, 314. remedy for, 165.

NOTES, following trust-property converted into, 295. See TRUSTS ACT, 1882.

NOTICE,

constructive, what is, 104, 165.

following trust-property into hands of purchaser with, 292.

of assignment of equitable interest, 56.

breach of trust, 231. charge of legacy, duty of trustee on receiving, 325.

election to take property unconverted, 321.

equitable title, 273.

motion for payment of trust-fund into Court, 337.

purchase of chose-in-action, 273.

trust, what is, 293.

payment of trust-fund to c. q. t. without --- of transfer, 208.

purchase without --- of benami property, 103.

reconveyance by purchaser with, 289.

GL

NOTICE-(continued). to trustees on purchase of equitable interest, 276. agents of company, 279. assignee of debt not bound to give, 281. bankers, 280. before trust-fund received, 280. description of property to be given, 278. directors of company, 279. immoveable property, rules as to, do not apply to, 281. manager of Company, 279. objects of, 276. officer of company, 279. one of several trustees, 280. policy of assurance, 277. priorities, 276. reputed ownership, 278. shares, 277. shareholder, 279. solicitor, 279. stop order, 281. to whom to be given, 279. trustee purchasing, 280. what is sufficient, 279. trust-property cannot be followed into hands of purchaser for valuable consideration without, 293. See TRUSTS ACT, 1882 NUMBER OF TRUSTEES, 132, 328. See TRUSTS ACT, 1882. OBJECT OF TRUST must be lawful, 32. OFFICE. of trustee is onerous, 137 joint nature of, 240. vacating, 326. OFFICIAL TRUSTEE, see OFFICIAL TRUSTEE'S ACT; TRUSTS ACT, 1882. OFFICIAL TRUSTEE'S ACT, 407. accounts to be kept, 411. administrator may pay share of infant or lunatic to Official Trustee, 415. Administrator-General may be Official Trustee, 408. Advocate-General, referring auditor's report to, 414. annual schedules to be furnished, 412. appointment of Official Trustee as trustee by Court, 409. must always be sole trustee, 410. audit of accounts, 413. charitable purposes, when Official Trustee may be appointed trustee for, 409. commission of Official Trustee, what expenses covered by, 410. costs of preparing schedules, 413, 414. reference to Advocate-General, 414. suit, 411. execution of orders of High Court, 414. executor may pay share of infant or lunatic to Official Trustee, 415. High Court, power of, to make orders respecting property vested in Official Trustee, 410. inspection of accounts, 411. schedules, 412. investments allowed, 410.



OFFICIAL TRUSTEE'S ACT-(continued).

leave of absence, 408.

order, who may apply for, 415.

petition for appointment of Official Trustee as trustee, 409.

order respecting property vested in Official Trustee, 410.

publication of rules respecting Official Trustee's office, 412.

religious trust. Official Trustee may not hold, 409.

removal of Official Trustee. 408.

remuneration under settlement, 409. where appoint d by Court, 409.

re-transfer of property vested in Official Trustee, 410. rules, power of Chief Justice to make —— as to Official Trustee's

office, 412.

schedules to be furnished annually, 4:2. securities on which investment allowed 410.

security to be given, 408.

suits by and against Official Trustee, 411.

trusts which may be held by Official Trustee, '09.

vesting property in, 411.

OPINION.

of counsel on title, costs of, 170.

rights of c. q. t. to cases for, 212.

ORIGIN OF TRUSTS in England, 1.

ORPHANS, charitable trust for, 352.

OUDH, Minors' Act in, 228.

OUT-OF-POCKET EXPENSES, lien of trustee for, 215.

OVERPAYMENT, refund on, 180.

See TRUSTS ACT. 1882.

PARENT, gift by child to, 112.

PAROL.

declaration of trust, 51.

disclaimer by, 133.

evidence by person paying purchase-money, 88. of acceptance of trust, 122.

benami transaction, 102.

to rebut presumption of resulting trust, 85, 88.

PARTIAL ACCEPTANCE of trust, 122.

PARTIES TO SUITS.

administrators or executors when necessary, 344.

between trustees, 344.

and c. q. t., 343.

by or against strangers, 341.

c. g. t. abroad necessary, 344.

suing on behalf of self and other, 345.

disclaiming trustee, 344.

for specific performance, 342

insolvent trustee, 345.

provisions of Civil Procedure Code as to, 341.

representative of deceased trustee, 345.

insolvent trustee, 344,

specially constituted, 343.

to recover moneys lost by agent, 184.

restrain breach of trust, 288.

Hindu widow from committing waste, 148.

trustees abroad not necessary, 344.

PARTITION,

subject to trust for idel, 374. trust restricting rights of, 41.

PARTNER,

employing trust-funds in business, liability of, 319. liability of, for breach of trust of co-partner, 183. may not profit by trust, 250. of solicitor trustee, remuneration of, 245. purchasing share of deceased, 254. payment to, 180. remuneration of --- carrying or ousiness. 244. when considered a constructive trustee, 107. See TRUSTS ACT, 1882.

PASSIVE TRUST, right of c. q. t. in case of, 268.

PATIENT, setting aside gift by, to medical attendant, 115.

PAYMENT

after death of c q. t., 176. into Court of trust-fund, 336.

money of minors, etc., under Trustee Act, 440.

v hen retirement, 328. on written authority of c.q.t., 179.

of debts, rust for, 76.

. purcl ase-money, 229.

after sale, 171. in benami transaction, 102.

out of Court to single trustee, 180.

to gent of trustee, 240.

c. q. t. abroad, 207.

without notice of transfer, 208. legatees while debts unpaid, 181. partner, 180.

persons under disability, 180. wrong persons, 177.

under power of attorney, 207, 457.

without notice of transfer of equitable interest, 208.

PAYMENTS, trustee may make what, 221.

PEERAGE, trust of, 26.

PENAL CODE,

s. 62, p. 126. ss. 126, 127, 169, p. 127. ss. 405-409, pp.15, 183.

PERISHABLE PROPERTY, conversion of, 148-152. See TRUSTS ACT, 1882.

PERMISSIVE WASTE, 143.

PERPETUITIES, 37.

among Hindus, 40. gift to idol, 370.

PERPETUITY, trust in, must be for public purposes, 355.

PERSONAL LIABILITY,

of c. q. t. to reimburse trust, 216 trustee for breach of trust, 137. even though no benefit, 182. See TRUSTS ACT, 1882.





PERSONAL SECURITY, investments on, see INVESTMENT; TRUSTS ACT, 1882.

PETITION.

applications under Trustee Act to be by, 438.
for advice of Court. 218, 459.
appointment of new trustees, 409.
opinion of High Court under Religious Societies Act, 463.
order respecting property vested in Official Trustee, 410.
service of, 459.
See Trusts Act, 1882.

PLACES OF WORSHIP, right to erect, 380.

PLEADING,

benami transaction, 102. fraudulent benami transaction, 106, 107. illegality, 48, 49. wilful default, 187.

POLICY OF ASSURANCE,

liability of trustee for not keeping up, 184. mortgage of, 277.

POLICY OF LAW, trust against, 35.

POOR PEOPLE, trust for, 352.

POSSESSION.

of trust-estate, right of c. q. t. to, 268. trustee not possession of true owner, 132. transmutation of, not necessary to validate trust, 53.

POSTPONING enjoyment of property, trust for, 37.

POWER.

discharge of trustee from office under, 327. execution of, by tenant-for-life, 460. liability of trustee for not executing, 184. mode of execution of, 451. purchaser not bound to enquire as to, 452.

POWER AND TRUST, mixture of, 19.

POWER-OF-ATTORNEY, payment of trust-fund under, 207, 457.

POWERS of trustees generally, 211-233,

PRECATORY TRUSTS, see IMPLIED TRUSTS, 78.

PREDECESSOR. liability of trustee for breach of trust of, 193. See Trusts Act, 1882.

PREMIUMS, liability of trustee for not paying, 184.

PRESIDENCY BANKS cannot be trustees, 131.

PRESUMPTION.

of death. 176.

resulting trust, evidence to rebut, 88.

PRINCIPAL, when applicable for maintenance of c. q. t., 226. See Trusts Acr, 1882.

PRIORITIES, 276, 281.

PRIVATE COMPANY, investment on stock or shares of, 161.

PRIVATE CONTRACT, when trustees may sell by, 222.

530 INDEX.

PRIVATE TRUSTS, 19.

PRIZES OF WAR, trusts of, 104, 464. See TRUSTS ACT, 1882.

PROBATE, acceptance of trust by taking out, 121.

PRODUCTION of books of account, 157.

PROFESSIONAL ADVISER.

liability of, for advising breach of trust, 183.

PROFESSIONAL CHARGES of trustee when allowed, 247.

PROFIT.

member of Society registered under Act XXI of 1860 may not make, 394.

not to receive, on dissolution, 462. trustee may not --- from his office, 250.

account of, 251.

agent, 254. auctioneer trustee, 255.

broker, 255.

buying in debts or mortgages, 252.

. c. q. t. cannot give to trustee, 25%.

directors, 254.

employing trust-funds in trade, 251, extent of liability, 256.

rule, 253.

guardian, 254

inspectors under creditors' deeds, 255.

officers of companies, 255.

partners, 253.

See TRUSTEE ACT, 1880.

PROFITS, right of c. q. t. to, 268.

PROMISSORY NOTE, trustee may not invest on security of, 160.

PROOF in insolvency by trustees and executors, 240.

PROTECTING TITLE to trust-property, 137.

See TRUSTS ACT, 1882.

PROTECTION,

of trust-property, right of trustee to take steps for, 219. See TRUSTS ACT, 1882.

PROXY, delegation of ministerial acts to, 240. See TRUSTS ACT, 1882.

PUBLIC AUCTION, when trustee may sell by, 222. See TRUSTS ACT, 1882.

PUBLIC FUNDS, no suit lies for account of, 217.

PUBLIC GARDEN, trust for, 352.

PUBLIC POLICY, setting aside voluntary gifts on ground of. 111.

PUBLIC PURPOSES, trust in perpetuity must be for, 355.

PUBLIC TRUSTS, 17.

all trustees need not join in executing, 241.

PUNJAB, Minors' Act in, 228.



PURCHASE,

benami in name of stranger, 98. by mother, no resulting trust on, 91. trustee for benefit of c.g.t., 252. for sale, 256.

duties of trustee for, 171.

from guardian, 292.

manager of joint Hindu family, 306.

in benami transactions, 98.

trustee, 86. wife, 90.

in fictitious name, resulting trust on, 88. name of child, 97.

and stranger, 94.

nephew, 92. stranger, 86.

of debt by trustee or executor, 252.

insolvent's estate by creditor or assignee, 264.

trust-property by trustee, nature of relief granted, 289.

from e. q. t., 261.

with notice of trust, 104.

PURCHASE-MONEY,

liability of purchaser to see to application of, see APPLICATION OF PURCHASE-MONEY. to whom payable, 229.

PURCHASER,

from heirs of Mahomedan debtor, 312.

trustee of wuqf property, 387. under execution, liability of, to see to necessity, 311. with notice, following trust-estate into hands of, 292,

reconveyance by, 289.
from purchaser without, trust-property cannot be followed into hands of, 293.

without notice from purchaser with, trust-property cannot be followed

in hands of, 293.

of benami property, 103. remedy of c. q. t., 184.

trust-property cannot be followed in hands of, 293.

voluntary gift not set aside as against, 115.

See TRUSTS ACT, 1882.

REBUTTING.

presumption of advancement, 94. death, 176. resulting trust, 85, 89.

RECEIPT.

all trustees must join in, 240. executor joining in, for conformity, 199. of trustee for purchase-money a discharge, 446. trustee joining in, for conformity, 194. See TRUSTS ACT, 1882.

RECEIVER, appointment of, see Appointment of Receiver, 339.

RECOMMENDATION, when words of, create trust, 78.

RECONVEYANCE

by purchaser with notice from trustee, 289. by trustee who has purchased trust-estate, 289,



RECOVERY of debts due to trust-estate, duty of trustee as to, 137.

REDEMPTION, suit for, 28.

REFUND, liability of c. q. t. to, if overpaid, 180, REFUSING TO ACT, what is, \$28.

REGISTER, neglect to, is breach of trust, 184.

REGISTRATION OF SOCIETIES ACT, 391.

bye-law, power of society registered under Act to make, 393. certified copies of documents filed under Act, 396.

Societies—

dissolution of registered, under Act, 394. formation of, 391. governing bodies of, 395. inspection of documents of, 395, judgment against, how enforced, 392. liabilities of members of, 393. members of, who are, 395. memorandum of association of, 391. power to alter, extend, or abridge purposes, 393. profit, member may not make, 394. purposes for which they may be registered, 391. registration of, formed before Act, 395. suits by and and against, 392. vesting of property of, 392. what, subject to Act, 396.

REIMBURSEMENT OF TRUSTEE,

accounts must be kept, 214.

advances, 214.

in respect of different estates, 216. interest on, 216. lien for, 215.

suit to recover, 216. allowed without express provision in trust-deed, 212. costs, 213.

employment of agents, 212.
expenses, out-of-pocket, 212.
fees to counsel, 212.
indemnity to trustees, 216.
legal adviser, 212.
lien for advances, 215.
management, expenses of, 214.
of trustee, personal liability of c. q. t., 216.
repairs, 215.

travelling expenses, 212. wrongful act of agent, 215. See Tausts Acr, 1882.

RELATIVES should not be appointed trustees, 132, 285.

RELEASE

of debts, 272.

trustee who has committed breach of trust, 192. on handing over assets, 177.

RELIGIOUS ENDOWMENTS ACT, 396. accounts, 401.

district committee may call for, 399, may be filed in Court, 406.





RELIGIOUS ENDOWMENTS ACT—(centinued).
appointment of committee, etc., 399.

trustee by Court, 399. committee, appointment of, 399.

no member of, to be trustee, 400. suit against, 401. tenure of office of, 400. transfer of property to, 401. vacancies in, how filled, 400. who may be member of, 400.

costs of suit, 404.
Court, appointment by, of trustee, etc., 399.
criminal breach of trust, 406.
dismissal of trustee, 398.
election of committee, 400.
endowments within Act, 396.

partly religious and partly secular, 406.

leave to institute suit, 404.
manager, appointment of, 396.
to keep accounts, 401.
suit against, 401.

mosques, 396.
regulations repealed, 397.
succession to trusteeship, 398.
suit in respect of trust, 401.
temples, 396.
transfer of property to committee, 401.

trustee, 398.

trustee, accounts of, 401.

appointment of, by Court, 399.

dismissal of, 398.

rights and powers of, 399.

suits against, 401.

RELIGIOUS HOUSES, gifts to, 4.

RELIGIOUS SOCIETIES ACT, 1880, p. 461.
adjustment of affairs of societies, 462.
appointment of new trustees, 461.
costs of application to High Court, 463.
dissolution of societies, 462.
new trustees, appointment of, 461.
petition for opinion of High Court, 463.
profit, members of society not to receive on dissolution, 462.
questions may be submitted to High Court, 463.
record of appointment of new trustees, 461.
saving of existing modes of appointment, 462.
vesting property in new trustees, 462.

RELIGIOUS TRUSTS, 14, 349.

Advocate-General, powers of, as to, 363. alienation of estates devoted to, 369. altering scheme of, 358.

under Civil Procedure Code, 363. appointment of new trustees, 365. apportionment of fund bequeathed for, 360. breach of trust, 362.

redress for, 363.
representatives of testator may sue, 364.
worshippers of idol, 364.
certainty in gift requisite, 355.



RELIGIOUS TRUSTS-(continued). Civil Procedure Code, provisions of, as to, 363. controlling revenue, duty of visitors as to, 367 cy près, doctrine of, as applied to, 357. devise of immoveable property for, 352. failure of objects, 359 liability of trustees of ---- to account, 364. limitation of suits respecting, 364. new trustees, of appointment of, 365 under Religious Societies Act, 365. objects of, 352. bibles, 353. churches, 353. dissenters, 352. masses, 350. ministers of churches, 353, prayers for the benefit of the soul, 350. Official Trustee may not hold, 409. principles of constraing will containing, 357. provisions of Succession Act as to devises for, 352. purchaser without notice from purchaser with notice, 368, Religious Societies Act, provisions of, as to appointment of new trustees, 365. scheme for carrying out, 362.
security for costs of suit respecting — when to be given, 364. superstitions uses, 350. vesting property in trustees of, 367. visitors, duties of, 367.

RELIGIOUS TRUSTS AMONG HINDUS, alienation of trust-property, 374. celibacy of manager, 378. certain, gifts to — must be, 370. colourable gift to idol, 370. creation of trust, 369 devise subject to trust, 373. election of manager, 378. enjoyment of endowed property, 376. evidence of endowment, 379. execution of trust, 380. gifts by Oudh taluqdars, 371. how far sale of trust-property set aside, 375. limitation, 377. management vested in different persons, 377. manager bound to celibacy, succession to trust in case of, 378. Mitakshara law, 369. Oudh Taluqdars' Act, 371. partition subject to trust, 374. proof of succession, 377. removal of mohunt or trustee, 379. reversion of managership, 379. sale of turn of worship, 375. subject to trust, 374. succession to trusteeship, 376. tenure in trustee, nature of, 371. trust irrevocable, 380.

REMEDY for breach of trust, see BREACH OF TRUST; RELIGIOUS TRUSTS; TRUSTS ACT, 1882.

trustee may not benefit by trust, 375.





REMOVAL,

of Hindu widow from management, 147.
Official Trustee, 408.
trustee of idol, 379.
wuqf property, 387.

suit for, 284.

REMUNERATION OF TRUSTEE, 242.

as general rule not allowed, 242.

Administrator-General, 250.

agent becoming executor, 243.

expenses of, 249.

auctioneer also mortgagee selling trust-property, 243.

author of trust may fix, 247.

carrying on business of deceased partner, 243.

committee of lunatic's estate, 243.

curators, 249. estoppel of e. q. t. by settled account, 247. expenses of agent, 249. gift coupled with duty, 248.

gift coupled with duty, 248. mortgagee, 243.

contract with e. q. t., 248.

Official Trustee, 249, 409, out-of-pocket expenses, 244, paid agents, 249.

professional charges, 244, 247.

receiver, 243, 448. solicitor-trustee, charges for professional services by, 244, 245. surviving partner, express trustee not allowed remuneration for carrying on business, 243. trustee appointed by Court, 246.

See TRUSTS ACT, 1882.

RENEWAL OF LEASE

by mortgagee, constructive trust on, 109. trustee, 107.

RENOUNCE, trustee cannot, after acceptance, 234.

See Trusts Act, 1882.

RENTS, right of c. q. t. to, 268. See Trusts Acr, 1882.

REPAIRS.

allowance to trustee for, when ordered to reconvey, 290, right of trustee to be reimbursed money expended on, 215, when trustee may expend money on, 221.

REPRESENTATIVES.

for purposes of suit, 343.

of c. q. t., suit against, to recover advances, 216.

trustee, discharge of, by Court, 333.

liability of, for his breach of trust, 182.

when necessary parties to suit, 343, 344, setting aside voluntary gift at instance of donor's, 118.

RESALE.

conditions of sale as to, 224. delay in making, 225. of property wrongfully purchased by trustee, 291. See Trusts Acr., 1882.

RESCINDING CONTRACT, conditions of sale as to, 224.

INDEX

RESERVED BIDDING, trustee for sale may fix, 180.

RESIDENCE ABROAD when ground for appointment of new trustee,

See TRUSTS ACT, 1882.

RESTORING TRUST FUND to original state, 167.

RESTRAINT ON ALIENATION, 37, 40.

RESULTING TRUSTS, 11.

advancement, purchase in name of wife or child raises presumption of, 90, 91

rebuttal of presumption, 94.

conveyance to stranger without consideration, 90.

devise of property purchased in name of wife or child, 95, dividends received by father, 95.

evidence to rebut presumption of advancement, 94.

resulting trust, 85.

expression of wish as to application of purchase-money, 87.

fiduciary relation, 92,

illegal purpose, 85. intention to exclude heirs, 84.

joint purchase, 87.

tenancy. 94.

no trust declared, 86.

parol evidence on part of person paying purchase-money, 88.

to whom conveyance made, 88

rebut presumption of resulting trust, 85.

as to part of property, 89.

possession by father, 95.

presumption of advancement, 91.

rebuttal of, 94.

purchase by mother in name of child, 91.

in fictitious name, 88.

in name of child and stranger, 94.

fully advanced, 96.

nephew, 92. reputed wife, 91.

trustee, 86.

strauger, 87

wife or child, 90.

void as against creditors, 92.

purchase-money unpaid, 94.

Statute of Frauds, 89.

subsequent acts and declarations, 95.

surrounding circumstances, 93.

transfer of stock into name of another, 86.

trust declared of part of estate, 86.

vague, 86.

undisposed of interest, 83.

RETIRE, payment to trustee to, 330.

RETIREMENT of trustee from office, 326.

RETIRING

from trust, what is, 328.

trustee whether bound to appoint successor, 331.

REVERSION of right to manage debuttur property, 379.

REVERSIONARY HEIR, suit by, to restrain Hindu widow from committing waste, 145.





REVOCATION,

conveyance with power of, 68. of creditor's deed, 73. trust, 59, 336. wuqf, 384.

ROMAN CATHOLICS, trust for, 353.

SALARY of person employed by direction of author of trust, 215.

SALE.

by benamidar, setting aside, 103.
father governed by Mitakshara law, 308.
manager of joint Hindu family, setting aside, 307.
son to father, onus of proving validity of, 112.
discretionary trust for, cannot be exercised by infant, 127.
duties of trustee for, 168.
of charity-property, suit for, 363.
debuttur property, 376.
property subject to trust for idol, 374.
trust-property how to be made, 222.
turn of worship, 376.
time within which to be made, 172.
trustee for, cannot purchase trust-estate, 356.
remedy of c. q. t. on —— to-purchaser without notice, 184.
See Trusts Act, 1882.

SANAD, trust of property held under, 127.

SCHEME

of charity, alteration of, by Court, 358. suit respecting, 363.

SCHOOL, trust for, 352.

SEBAIT, purchase of debuttur property from, 307.

SECOND MORTGAGE, investment on, 163.

SECURITIES,

duty of trustee to realize, 137. upon which trustee may invest, see INVESTMENT; TRUSTS ACT, 1882...

SECURITY,

trustee about to abscord may be required to give. 182. on payment out of trust-fund after presumption of death of c. q. t. arises, 177.

SEISIN, 3.

SELECTION of objects of trust, discretion of trustees as to, not interfered with, 153.

SEPARATE ACCOUNT, duty of trustee to keep, at bank, 140,

SEPARATE USE.

married woman cannot assign property settled to her, 274, nor claim fund so settled, 272.

See Trusts Act, 1882.

SERVICE of petition, 459.

SET-OFF,

assignee of equitable interest takes subject to any right of, 274.

See Trusts Act, 1882.

not allowed in respect of breach of trust, 192.

not allowed in respect of breach of trust, 192.
right of solicitor to —— payments against receipts, 216.
See Trusts Act, 1882.

INDEX.

SETTING ASIDE,

purchase of trust-estate by trustee, 259. sale by manager of joint Hindu family, 307. debuttur property, 375.

voluntary settlement, 59. gifts, 194.

See CONSTRUCTIVE TRUSTS.

SETTLEMENT,

of accounts, right of trustee to, 219. rectification of, 72.

SETTLOR, when he may defeat settlement, 67.

SEVERAL LIABILITY of trustees, 206. See Trusts Act, 1882.

SEVERING DEFENCE, effect of, 345, 346.

SHARE in trust-fund, payment of, into Court, 33%.

SHARES.

investment in, 161. mortgage of, 277.

SIMPLE TRUST, 18.

SINGLE TRUSTEE, payment out of Court to, 180.

SISTER, gift by younger to elder, setting aside, 115.

SOLDIERS, trust for, 352.

SOLICITOR. employment of, to invest, 236.

has no lien, 215.
liability of, for breach of trust by partner, 183.
not entitled to receive purchase-money on sale, 229.
notice of equitable assignment to — of trustees, 280.
remuneration of — when trustee, 245, 249.
setting aside gift by client to, 111.
when constructive trustee, 110.

SON, purchase benami in name of, 98.

See RESULTING TRUSTS.

SOVEREIGN.

may be trustee, 129. create trust, 124.

SPECIAL CONDITIONS of sale, 224.
See TRUSTS ACT, 1882.

SPECIFIC MOVEABLE PROPERTY, power to sue for, 137.

SPECIFIC PERFORMANCE,

not enforced against trustees selling by mistake at under-value, 169. parties to suit for, 342.

SPECIFIC POWER, execution of, 241.

SPECIFIC RELIEF ACT,

s. 3, p. 15.

s. 10, p. 137.

s. 11, p. 156.

s. 12, p. 271.

s. 54, pp. 286, 287.

SPECIFIC TRUST, 18.





SPIRITUAL ADVISER, setting aside voluntary gift to, 111, 112.

STAKE-HOLDER, trustee is merely a, 182.

STAMP

on orders under Trustee Act, 441. transfer of trust-property to new trustee, 330.

STANDING BY on sale by benamidar, 103.

STATUTE OF FRAUDS,

declarations of trust under, 52. provisions of, as to resulting trusts, 89.

STATUTE OF USES, 6.

STOCK.

directions as to transfer of, under Trustee Act, 433. liability of trustee for not enforcing transfer of, 184. of private company, investment on, 161. resulting trust on transfer of, into name of another, 86. vesting order as to, under Trustee Act, 425.

STOP ORDER, 281.

STRANGER,

purchase benami in name of, 98. resulting trust on purchase in name of, see RESULTING TRUST setting aside gift as against, 115.

STRANGERS, parties to suits by and against, 341.

STRIDHAN, trust of, 125.

SUB-INFEUDATION, 2.

SUBJECT-MATTER OF TRUST, 25, 467. to be pointed out on declaration, 52. See TRUSTS ACT, 1882.

SUCCESSION

to effice of mutawalli, 388. trusteeship of idol, 376, 377, 378, under Act XX of 1863, 398.

SUCCESSION ACT,

s. 101, pp. 26, 27, 39, s. 105, pp. 352, 371, ss. 187, 190, p. 342.

SUCCESSOR, whether retiring trustee must appoint, 331.

SUITS,

against trustees, limitation of, 303.
between trustees and a. q. t., parties to, 343.
by and against Official Trustee, 411.
creditors against benamidar, 104.
purchasers of equitable interest for conveyance, 273.
real owner against benamidar, 104.
strangers to trust, 341.
trustee to recover advances, 216.
duty of trustees to bring and defend, 137.
for appointment of new trustees, 284.
delivery up of title-deeds, 212.
execution of trust, 282.
land beyond jurisdiction, 27.
possession, on waste by Hindu widow, 146.

SUITS-(continued).

in respect of religious establishments under Act XX of 1863, p. 401. necessary parties to, 284, 331, 341.

respecting charities, 363.

to administer trusts, 217 carry out purchase, 171.

compel trustee to convey, 269.

do act of duty, 287.

discharge trustees, 331

have proper number of trustees appointed, 284.

remove trustees, 284.

restrain waste by tenant-for-life, 142.

Hindu widow, 145.

trustees may not deal with trust-property after institution of, 168.

SUPERSTITIOUS USES, trust for, 350.

SURETIES, trustee net appointed without, 340,

SURPRISE, setting aside voluntary gift on ground of, 111.

SURVIVAL OF TRUST, 335.

See TRUSTS ACT, 1882.

SURVIVING PARTNER carrying on business, remuneration of, 247.

SURVIVOR, appointment of new trustee by. 328.

SUSPENSION of trustees' power after decree, 232. See TRUSTS ACT, 1882.

TAXATION OF COSTS, 213.

TECHNICAL WORDS not necessary to declaration of trust, 52.

TEMPLES

provisions of Act XX of 1863 as to, 396.

trusts for, 14.

trustee of, cannot renounce after acceptance, 234.

TENANT purchasing land on sale for arrears of Government revenue is a constructive trustee, 109.

TENANT-FOR-LIFE,

trustee authorized to lend on personal security may not lend to, 266. waste by, 142--5.

TENURES, 1.

TIMBER, when trustee may cut down, 173.

for realizing assets, 221.
of essence of contract, conditions of sale as to, 224, within which sale to be made, 172.

See TRUSTS ACT, 1882.

TITLE.

duty of trustee for purchase to obtain, 171.

in third persons, duty of trustees as to, 156. of c. q. t., right of trustee to have proof of, before distributing trustfund, 175.

to trust-property, duty of trustee to protect, 137.

trustee cannot set up adverse -- to trust-property, 155. trustees for sale bound to make a good, 170.

See TRUSTS ACT, 1882.



TITLE-DEEDS. custody of, 272. right of trustees to, 211. suit for delivery up of, 212. See TRUSTS ACT, 1882.

TITLE OF HONOUR, brust of, 26,

TOMBS, trusts for, 49, 354.

TOWN, trust for a, 354.

TRADE, liability of trustee for employing trust-money in, 251, 314.

TRANSFER,

of property of religious establishment to committee, 401. to trustees of religious establishment, 308, stock into name of another, resulting trust on, 86. wuqf property, 386 payment of trust-fund with notice of, 208. under Trustee Act, 421. See TRUSTS ACT, 1882.

TRANSFERREE from c. q. t., rights of, 324.

TRANSMUTATION of possession not necessary to validate trust, 53. TRAVELLING EXPENSES, right of trustee to be reimbursed, 212.

TRUST.

alienation of wuqf lands subject to, 386. appointment of trustee for purpose of committing breach of, 330.
by operation of law, see Constructive Trust; Implied Trust;
Resulting Trust. acceptance of, 120.

creating perpetuity, 37. declaration of Trust.

definition of, 16.

in Trusts Act, 464. disclaimer of by renunciation of probate, 122. extinction of 335.

for accumulation, 37. bathing ghat, 14.

charity, see CHARITABLE TRUST. creditors, 14.

revocation of, 73.

See CREDITORS. future illegitimate children 35.

idol, 14, 370. execution of. 380.

immoral purposes, 35. payment of debts, 76. purpose of defrauding creditors, 59.

religious purposes, 14. See RELIGIOUS TRUSTS.

sale, see SALE.

forbidden by law, 35, 37, 465. founded upon illegal contract, 35. implied, see IMPLIED TRUST. incomplete not enforced against settler, 53. intended as fraud on Act, 35. not allowed to fail for want of trustee, 282. object of, must be lawful, 32. of equitable interest, 56.

542 INDEX.

TRUST-(continued). of immoveable propertybeyond jurisdiction, 26, 49. in colonies, 29, 31.

in foreign country, 29, 49. moveable property, 25.

part of estate, 86. peerage, 26.

title of honour, 26. parties to suit respecting, see Parties to Suits.

abroad, 32.

partly lawful and partly unlawful, 49. postponing enjoyment of property, 37.

property, cannot be followed into hands of purchaser without notice from purchaser with notice, 293.

nor into hands of purchaser with notice from purchaser without, 293.

conveyance of, to c. q. t., 175.

distribution of, 175.

duty of trustee to acquaint himself with state of, 134. employment of, by partner in business, 319. following after conversion, 294.

restraining alienation, 37, 40.

revocation of, 59. right of c. q. t. to execution of, 271.

subject-matter of, 25.

suit for administration of, 217.

survival of, 335.

to cease on happening of particular event, 46. insolvency, 41, 45.

to sell, resulting trust on, 85. trustee cannot renounce after acceptance of, 234. vacate office till performance of, 326.

who may create, 124, 467.

TRUSTS ACT, 1882.

abroad, person domiciled, not a proper trustee, 484.

residing, when ground for appointment of new trustee, 489. absence when ground for appointment of new trustee, 489.

acceptance of trust, 467.

trustee cannot renounce after, 481 accounts, beneficiary has right to copies of, 483.

settlement of, 477. trustee to keep, 471.

accumulation of property of minor, 479.

acquiescence by beneficiary in breach of trust, 472. acquisition by trustee of property wrongfully converted, 486. act of duty, performance of, may be compelled, 485.

Administrator-General, remuneration of, not affected by Act, 482.

advancement of minors, 479.

advantage gained by fiduciary character, trust on, 493. secretly gained by one of several compounding creditors,

adverse title, trustee may not set up, to trust-property, 469. advice of Court, application for, 477.

agent gaining advantage by fiduciary character, trust on, 493. of trustee for sale may not buy trust-property, 482.

alien enemy not a proper trustee, 484. application for opinion of Court, 477. appointment of new trustee, 489. discharge of trustee by, 488.





TRUSTS ACT, 1882—(continued).
arbitration, power of trustee to submit to, 480.
attorney, delegation of ministerial act to, 481.
auction, sale by, 478.
beneficial interest, trust of, 467.
beneficiary, breach of trust by, 472.

consent by, to delegation of trust, 481.
investment when required, 472.
remuneration of trustee, 481.

varying investments, 477.

definition of, 465.
discharge of trustee by, 488.
disclaimer by, 467.
entitled to accounts and information, 471.
forfeiture of interest of, to Government, 475.
inspection of documents by, 483.
joining in breach of trust, liability of, 487.
reinbursement of trustee by, 476
rents and profits of trust estate, rights of, to, 483.
revocation of trust by, 491.
rights and liabilities of, generally, 483.
right of, to compel performance of act of duty by trustee,
proper number of trustees, 484.

restrain breach of trust, 485. specific execution of trust, 483. suit by, for specific execution of trust, 484. transfer of beneficial interest of, 484.

possession of trust-property to, 483.

who may be, 467. bequest, for illegal purpose, 493.

revocation of, prevented by coercion, trust on, 493. blended property, rights in case of, 487. breach of trust, beneficiary joining in, 487.

t, beneficiary joining in, 487. definition of, 465.

indemnity to trustee from gainer by, 476.
liability of trustee for, 472. [474.
for breach of trust of co-trustee or predecessor,
loan by trustees to themselves, 482.
purchase by trustee of trust-property, when, 482.
restraining commission of, 485.

set-off not allowed in respect of, 474.

buy, trustee for sale may not, 482.
buy in, power of trustee to. 473.
calling in trust-property, 478.
care required from trustee, 469.
certainty in declaration of trust requisite, 466.
charitable trusts, not subject to Act, 464.
coercion, revocation of bequest prevented by, trust on, 493.
compound interest, when payable, 473.
compounding debts, 480.
concurrence in breach of trust, 472.
conditions, power of trustee to make special, 478.
conformity, trustee joining in receipt for, 474.
consent to delegation of trust, 481.

investment, 472. remuneration of trustee after acceptance, 481. varying investments, 479.

consideration, transfer of property for ---- paid by another, 492, constructive trust, 495.

INDEX.

TRUSTS ACT, 1882-(continued). contract, every person competent to --- may create trust, 467. sale by, 478. contribution between co-trustees, 475. control, by Court, of discretionary power, 481. conversion of perishable property, 470, convey, power of trustees to, 478. copies of documents, right of beneficiary to, 483. costs of petition for advice of Court. 477. to discharge trustees, 489. co-trustees, cannot act singly, 481. contribution between, 475. disclaimer by one of several, 467. may not lend to themselves, 482. several liability of, 475. trustees, when hable for default of, 474. Court, application for advice or opinion of, 477. appointment of new trustees by, 489. consent of, to application of principal towards expenses of minor, 479. control of discretionary power by, 481. discharge of trustee by, on petition, 488. purchase of beneficiaries' interest with leave of, 482. renunciation of trust after acceptance, with leave of, 481. creation of trust, 466. curator, remuneration of, 482. custody of title-deeds, right of trustees to, 476. death, vacation of office of trustee by, 488. debentures, investment on, 471 debtor becoming creditor's representative, 493. debts, compounding, 480. trust for payment of, 468. declaration of trust, 466. decree, suspension of trustee's powers by, 480. definitions in Act, 464. delegation of trust, 481. director, gaining advantage by reason of fiduciary character, 493. disabilities of trustees, 481. discharge of trustees, 488, disclaimer, by beneficiary, 467. trustee, 467. discretionary power, control of, by Court, 471, 481. trust, person not competent to contract cannot execute, domicile, person having his -- abroad not proper trustee, 484. duties of trustees, 468. education of minors, 479. execute trust, trustee bound to, 468. execution of trust, suit by beneficiary for, 484. executor gaining advantage by reason of fiduciary character, trust on, 493 expenses, reimbursement of trustee for, 476. extinction of trust, 490. discharge of trustee by, 488. extent of Act, 464.

fiduciary character, advantage gained by, trust on, 493. following trust-property, 486.

forbidden by law, 465. forteiture of beneficiaries' interest to Government, 475. funeral, power of trustee to apply property of minor for, 479.

TRUSTS ACT, 1882-(continued).

Government Savings Bank, deposit in. 472.

securities, investment in, 471.

Hindu family, law relating to, not affected by Act, 461.

illegal purpose, bequest for, 493. transfer for, 493.

immoral, trust must not be for -- purposes, 465.

immoveable property, trust for, 466.

impartial, trustee to be. 470.

incapable to act, appointment of new trustee in place of trustee. 489.

indemnity from gainer by breach of trust, 476.

of trustees, 475.

information, trustee to give, 411.

injunction to restrain breach of trust, 485.

insolvent not proper trustee, 484. Etrnstee, 489. trustee becoming

- ground for appointment of new inspection of documents, 483

instrument of trust, definition of, 465

right of trustees to custody of, 476.

interest, trustee when liable to pay, 473.

investment of trust-property, 471.

varying, 478. involuntary losses, indemnity from, 475.

joining in breach of trust, liability of beneficiary for, 487.

receipt for conformity, liability of trustee for, 471

lawful purpose, trust must be for, 465.

lease by trustees, 477.

leasehold property, investment on, 471.

legal adviser gaining advantage by fiduciary character, 493. liability of beneficiary joining in breach of trust, 487, trustee for breach of trust, 472.

generally, 468.

loan, by trustees to themselves, 482.

loss of time, trustee has no right to remuneration for, 482.

lots, sale of trust-property in, 478.

maintenance of minor, 479.

management of trust, application for opinion of Court as to, 477.

marriage, power of trustee to apply property of minor for, 479. married woman cannot alienate property settled to separate use, 183

not generally proper trustee, 484.

ministerial acts, delegation of, 481.

minor: advancement, education, and maintenance of, 479.

when a proper person to be trustee, 484.

trust may be created by, 467.

mix, trustee may not --- trust-property with his own, 487. money, following trust-property wrongfully converted into, 486.

mortgage, investment on, 471

of land pledged to Government, investment on, 472.

moveable property, trust for, 466.

necessary delegation of trust, 481.

new trustees, appointment of, 489.

not liable for predecessor's default, 474.

powers of, 490

rules for selection of, 490.

vesting trust-property in, 490.

non-liability of trustee paying without notice of transfer by bene-

ficiary, 475.

notes, following trust-property converted into, 486.

notice, definition of, 465. .

INDEX.

TRUSTS ACT, 1882-(continued).

notice of transfer, non-liability of trustee paying without, 475. saving of rights of purchaser without, 486. number of trustees, right of beneficiary to proper, 481. obligations in nature of trust, 491. Official Trustee, remuneration of, 482.

when he may be new trustee. 489. opinion of Court, application for, 477. overpayment, right of trustee to be recouped for, 476. partner, employment of trust-property in business by, 487. gaining advantage by fiduciary character, 493.

perishable property, conversion of, 470.
personal liability of beneficiary to reimburse trustee, 476. personal security, investment on, 482. petition for advice of Court, 477.

appointment of new trustee, 489. discharge, 488.

power, exercise of, after death or disclaimer, 480. principal, application of, towards expenses of minor, 479. prizes of war, trusts of, not subject to Act. 464. profit, trustee may not ---- from office, 482. profits, beneficiary has right to, 483, property acquired with notice of existing contract, trust of, 495. proxy, delegation of ministerial act to, 481. public policy, trust must not be contrary to, 465. purchase by person contracting to buy property to be held on trust,

trustee of trust-property, remedy in case of, 185. of beneficiaries' interest by trustee, 482.

trustee for --- or sale may not buy trust-property, 482. purchaser in good faith, saving of rights of, 486. purpose of trust, must be declared, 466.

qualified owner, trust of, advantage gained by, 494. rate of interest, 473.

ratification of sale of trust-property to trustee, 486. receipt, trustee joining in, for conformity, 474.

of trustees, 479. refusing to act, appointment of new trustee in place of trustee, 489. reimbursement of trustees, 476. religious trusts not subject to Act, 464.

worship, power of trustees to apply property of minor for expenses of. 479.

remuneration of trustees, 482. renounce, trustee cannot, after acceptance, 481. rents, beneficiary has right to, 483. representative, following trust-property into hands of, 486. re-sell, power of trustee to, 478. revocation of trust, 490. rules for selection of new trustee, 490. sale by trustees directed to sell within specified time, 472.

powers of trustees for, 478.

trustee for, may not buy trust-property, 482. securities, what are proper for investment, 471. separate use, married woman cannot alienate property settled to

service of petition for advice of Court, 477. set-off not allowed in respect of breach of trust, 474. settlement of accounts, 477.





TRUSTS ACT, 1882-(continued). several liability of co-trustees, 475. shares, investment on, 471. skill, trustee has no right to remuneration for, 482. special conditions, power of trustee to make, 478. specific execution of trust, right of beneficiary to, 483. specified time. sale by trustee directed to sell within, 472. stock, investment on, 471. subject of trust, 467. suit by beneficiary for execution of trust, 484. to protect trust-property, 469. survival of trust, 490. suspension of trustee's powers by decree, 480. state of trust-property, trustee to inform himself of, 469. time for selling trust-property, 478 giving -- for payment of debts, 480. title to trust-property, trustee to protect, 469. trustee not to set up adverse —— to trust-property, 469. title-deeds, right of trustee to custody of, 476. transfer for illegal purpose, 492 non-liability of trustee paying without notice of, 475. of beneficial interest, 484. possession of trust-property, right of beneficiary to, 483. trust-property wrongfully purchased, 485. pursuant to rescindable contract, 493 to one for consideration paid by another, 492. transferree from beneficiary, rights and liabilities of, 488. trouble, trustee has no right to reimbursement for, 482. trust, beneficiary joining in breach of trust, 487. definition of, 464. delegation of, 481. disclaimer of, 467. extinction of: 490. for payment of debts, 468. impossibility of performance of, 490. incapable of execution, 492. liability for breach of, 472. obligations in nature of, 491. on transfer to one for consideration paid by another, 492. revocation of, 491. survival of, 490. trust-property, definition of. 465. following, 486. investment of, 471. must be described on declaration of trust, 466. trustee may not profit from, 482 not to set up adverse title to, 492. to inform himself of state of, 469. protect title to, 469. vesting in new trustees, 490. trustees, accounts by, 471. acquisition of property wrongfully converted by, 487. adverse title to trust-property may not be set up by, 469. application by, for advice or opinion of Court, 477. appointment of new, 489. auction, may sell by, 478. breach of trust by, 472

buy in, power of, to, 478. cannot act singly, 481. 548 INDEX.

TRUSTS ACT. 1882-(continued). trustees, care required from, 469.

charge by, for services not allowed, 482. conditions of sale, — may require special, 478. contract, may sell by, 478. contribution between, 475. conversion of perishable property by, 470. conveyance by, 478. definition of, 465. delegation of trust by. 481. disabilities of, 481. discharge of, 488.

discretionary power of, not generally controlled, 471. when Court may control, 481.

duty of, to inform themselves of state of trust-property, 469. where trust incapable of execution, 492.

following trust-property converted by, 486. for purchase may not buy, 482. gaining advantage by fiduciary character, 493.

general powers of, 477, impartial, to be. 470.

indemnity of, 475. from gainer by breach of trust, 476. injunction to restrain breach of trust by, 485. interest when payable by, 473. investment by, 471.

joining in receipt for conformity, 474. liability of, for breach of trust, 472.

where beneficial interest forfeited to Govt. 475.

loan by, to themselves, 482. lots, may sell in, 478. mixing trust-property with their own, 487. not liable for predecessor's default, 474. powers of, as to minor's property, 479.

sale, 478. profit by trust, may not, 482. proper number of, 474. protection of title to trust property, 469. purchase by, of beneficiaries' interest, 482. recouping —— for overpayment, 476. reimbursement of, 476. remuneration of, 482. renunciation of trust after acceptance by, not allowed, 488. re-sale by, 478. rules for selection of now, 490.

set-off in respect of breach of trust not allowed to, 474. several liability of, 475.

special conditions, --- may fix, 478.

suspension of powers of - by decree, 480.

title-deeds, custody of, by, 476. vacation of office by, 488.

varying investments, powers of ---- as to, 478. waste, prevention of, by, 471.

when liable for co-trustee's default, 474. who are proper persons to be new, 484. who may be, 467. wrongful purchase by ——, remedy for, 485.

undue influence, trust of propertyacquired by, 494.





TRUSTS ACT, 1882-(continued). unexhausted interest, duty of trustees as to, 492. unlawful trusts, 465. vacating office of trustee, 488. varying investments, 478. vesting trust-property in new trustees, 490. waste, trustees to prevent, 471. wasting property, trustees to convert. 470. wuqf, law of, not affected by Act, 464. writing, appointment of new trustees to be in: 439. consent of beneficiary to change of investment to be in. 479. to investment to be in, 472,

when necessary to declaration of trust, 466. wrongful purchase by trustee, remedy for, 485.

TRUST-PROPERTY.

following into hands of volunteer, 291. liability of trustee for employing -- in trade, 314. mixing it with his own money, 277, 318. non-investment, 314,

payment of - into Court, 336. to o. q. t., without notice of transfer, 208. wrong person, 177.

under power-of-attorney, 207.

See PAYMENT.

purchase of --- from c. q. t. by trustee, 261. trustee cannot set up adverse title to, 155. may not take lease of, 260.

wrongfully converted, acquisition of --- by trustee, 313. See TRUSTS, ACT, 1882.

TRUST AND POWER, mixture of, 18.

TRUSTS.

among Hindus, 8-14. kinds of, 18. origin of, in England, 1.

TRUSTEE AND TRUSTEES,

acceptance of trust by, 120.

See ACCEPTANCE OF TRUST.

acquiring absolute interest in trust-property when considered constructive trustee, 108.

agent of, may not purchase trust-estate, 260. when liable to account. 109.

also executor, acceptance by taking probate, 121. appointment of, see Appointment of new Trustees; New Trustees; TEES.

bound to be impartial, 152. cannot benefit by trust, 107.

renounce after acceptance, 234. c. q. t. entitled to proper number of, 284. compellable to execute trust, 271. compounding debts, liability of, 252 constructive, see Constructive Trustee. covenants entered into by, 224. definition of, 18.

in Trusts Act, 465.

disabilities of, see Delegation of Trust; Discretionary Trust; PROFIT; PURCHASE; REMUNERATION OF TRUSTEE; SALE.

GL

TRUSTEE AND TRUSTEES-(continued). discharge of, see DISCHARGE. disclaimer by, 132. duties of, see Duties of Trustee employing trust-funds in trade, liability of, 251, 314. for sale cannot purchase, 256. powers of, under Trustee Act, 444. gift to, 133, 252, legal adviser when a constructive, 109. liability of, for breach of trust, see BREACH OF TRUST; INJUNC-TION; INVESTMENT. may not profit from office, 250. See PROFIT. notice to, of assignment of equitable interest, 56. number of, 328. of charity, see CHARITABLE TRUSTS, 362. idol, removal of, 379. religious establishments, see RELIGIOUS TRUSTS, 101. wuqf property, removal of, 387. paid to retire, 330. petition for advice of Court, see PETITION. purchase of trust property by, see BREACH OF TRUST ; PURCHASE, receipts of, see RECEIPT. reconveyance by, 289. reimbursement of, see REIMBURSEMENT. release to, 177, 192, 222 remuneration of, see REMUNERATION OF TRUSTEES. retiring from trust for consideration, 255. renewing lease, remedy, 109. suit for appointment of, 284. to compel performance of act of duty by, 287.

restrain breach of trust by, 206, 287.

See Suits.

trust not allowed to fail for want of, 282.

vacating office by, 326.

when allowed to bid for trust-estate, 264.
bound by recitals in deed, 122.
necessary party to suit, 341.

who may be, 124, 467.

See TRUSTS ACT, 1882.

TRUSTEE ACT, 1866, p. 415.

absence of trustee, Court may make order in, 441, cause, order may be made in, 439, charities, power of High Court under Act as to, 440, companies to obey order vesting stock, 430, conclusive evidence, when order of Court is, 439, 'contingent right,' definition of, 416.

discharge of, where decree for sale of immoveable property for payment of debts, 431. of lunatic, conveyance of, by High Court, 419. trustee, 422.

minor trustee and mortgagee, releasing property from, 420,

trustee jointly entitled with others out of jurisdiction, order as to, 422. unborn trustee, vesting order as to, 423.

continuing liability of old trustee, 437.
'convey' and 'conveyance,' definitions of, 416.
convey, power of High Court to appoint person to, 425.



TRUSTEE ACT, 1866-(continued). conveyance of contingent right of lunatic, 419. estate of trustee out of jurisdiction, 421. immoveable property held jointly with person out of jurisdiction, 421. where trustee out of jurisdiction, 422. Court, appointment of new trustee by, 434. costs of petitions, 441. decree, orders to have effect of, 413. 'devisee,' definition of, 417. dividends in name of minor trustee, order for transfer of, 431. enquiry as to person of unsound mind, 442. extent of Act, 418.

'heir,' definition of, 417.
'High Court,' 'held,' and 'holding,' definitions of, 416. immoveable property,' definition of, 415, indemnity to persons obeying orders, 443.

jurisdiction of High Court, 418. · lunatic,' definition of, 417.

Innatic trustee and mortgagee, conveyance of estate of, 418. minor, payment of money of, into Court, 440.

trustee and mortgagee, conveyance of estate of, 420, mortgage, definition of, 417, mortgagee, conveyance of estate of lunatic, 418.

new trustees, appointment of. by Court, 434.

vesting immoveable property in, 436. right to call for transfer of stock in, 437.

order may be made in absence of trustee, 441.

cause, 439.

payment into Court of money of minor, 440.

person and person of unsound mind, definitions of, 417.

person of unsound mind, payment of money of, into Court, 440. petition, applications to Court to be by, 438.

what may be done on, 439. who may present, 437.

right to call fer transfer of stock vesting in new trustees, 437. stamp-duty payable on orders, 441, 'stock,' definition of, 415.

stock, directions as to transfer of, 433.

vesting order as to, 425.

companies to obey, 430. effect of, 428. in name of deceased trustee, 427. minor trustee, 431. when trustee beyond jurisdiction, 426. trustee refuses to receive and pay dividends, 427.

suit may be directed, 442. ' transfer,' definition of, 416.

of dividends in name of minor trustee, order as to, 431. lunatic trustee and mortgagee, 419. power of High Court to give directions as to, 433.

stock or Govt. securities of deceased person, 420.
'trust' and 'trustee,' definitions of, 416,
trustee, conveyance of estate of lunatic, 418.

trustees. Court to declare who are, of immoveable property where suit, 432

unsound mind, conveyance of estate of person of, 418. enquiry as to person of, 442.

vesting immoveable property in new trustee, 436.

552 INDEX.

TRUSTEE ACT, 1866-(continued).

vesting order as to contingent right of unborn trustee, 423.

stock, 425.

effect of, 428.

standing in name of deceased person, 428.

minor trustee, 431.

when trustee beyond jurisdiction, 426. when trustee refuses to receive and pay

dividends, or to transfer, 427.

thing in action, 429. executor neglecting to transfer stock after, 430.

in lieu of conveyance, 431. T424. on refusal or neglect of trustee to convey or release, right to transfer of person neglecting, 429.

when mortgagee dead, 424.

trustee dies without heir, 428.

uncertain whether last trustee living or dead. 423. which of several trustees was survivor,

vesting right to call for transfer of stock in new trustee, 437.

TRUSTEES' AND MORTGAGEES' POWERS ACT, 443, administrator, liability of, as to rents and covenants, etc., 458.

petition for advice of High Court by, 459.

advice of High Court, petition for, 459,

agent of mortgagor receiver deemed to be, 448.

application of money received by receiver, 449.

purchase-money, 446.

purchaser when not bound to see to, 153.

appointment of new trustees, 454, 456.

receiver, 447.

apportionment of conditions of re-entry, 450.

assets, distribution of, 459.

assignment to self and others, 453.

auction, trustees may sell by, 444.

charge, owner of, may call for title-deeds and conveyance, 147.

compound, powers of executor to, 457.

conditions of re-entry, apportionment of, 450. sale, 444.

contract, trustees may sell by, 444.

conveyance by trustees exercising power of sale, 445.

owner of charge may call for, 447.

to purchaser, 447.

descent how traced, 453.

discharge of person paying purchase-money, 446. trustees' receipts to be, 456.

distribution of assets of testator or intestate, 459.

execution of powers, mode of, 451.

executor, liability of, as to rents and covenants, etc., 458.

may compound, 457.

petition for advice of High Court by, 459.

power of, to raise money, 452.

'High Court.' definition of, 444.

' immoveable property,' definition of, 444.

indemnity-clauses when presumed, 456.

insurance by receiver, 448.

investment of meneys arising from sale, 445.

trust funds, 453.

legatee in trust, power to raise money by sale, 451. license to alien, effect of restriction on, 449. lots, trustee may sell in, 414.



TRUSTEES AND MORTGAGEES' POWERS ACT—(continued).

maintenance, power of trustees as to, 454.

minors, maintenance of, 454.

mode of execution of powers, 451.

'mortgage,' mortgagor,' mortgagee,' definitions of, 444.

mortgages, powers incident to, 445.

new trustees, appointment of, 454.

notice of sale, 446.

partial licenses, restricted effect of, 450.

payment under power of attorney, 457.

petition for advice of High Court, 459.

power of attorney, payment under, 457.

powers, execution of, by tenant-for-life, 460.

mode of execution of, 451, of receiver, 448.

purchaser, not bound to enquire as to. 452. purchaser, not bound to see to application of purchase-money, 453. nor to enquire as to powers, 452.

receipt of trustee for purchase-money a discharge, 446. receiver, application of purchase-money received by, 449. appointment of, 447.

appointment of, 447. insurance by, 448. is agent for mortgagor, 448. powers of, 448. removal of, 448. remuneration of, 448.

reimbursement, clause as to, when presumed, 456. release of part of land charged, not extinguishment, 450. removal of receiver, 448. remuneration of receiver, 448. restriction on license to alien, effect of, 449. securities for investment, 453. tenant-for-life, execution of powers by, 460. title-deeds, owner of charge may call for, 447.

TURN OF WORSHIP. right to, 377. sale of, 376. suit for, 377.

UNCERTAINTY, gift for religious or charitable purposes void for, 356.

UNDUE INFLUENCE,
setting aside settlement on ground of, 121,
voluntary settlement obtained by, 59,
wugf obtained by, 384,
See TRUSTS ACT, 1882.

UNFITNESS, what is, 329. UNLAWFUL TRUSTS, 19, 32, 465. See Trusts Act, 1882.

USES, 4.

VACATING OFFICE of trustee, 326.

See TRUSTS ACT, 1882.

VAGUE TRUSTS, 85

554 INDEX.

VALUATION,

duty of trustee for purchase to obtain, 117. for sale, 169.

VALUE, following trust-property into hands of purchaser for, 292.

VARYING INVESTMENTS, power of trustee as to, 162, 225. See Trusts Act, 1882.

VENDEE, when trustee for vendor, 83.

VESTING

trust-estate in new trustee, 335, 436, 462.

trustees of charity, 363, 366.

under Act XXI of 1860, p. 392.

See Trustee Act, 1866; Trusts Act, 1882.

VISITORS OF CHARITY, 361.

VOLUNTARY GIFTS,

to persons in fiduciary capacity, 111. setting aside, 111.

VOLUNTARY SETTLEMENT, 53.

for purpose of defrauding creditor, 59. how far void as against creditors, 64. on whom binding, 72. setting aside, 59. when settlor may defeat, 67.

VOLUNTARY TRUST, what is a valid, 57.

VOLUNTEER, following trust-property into hands of, 291.

VOUCHERS, right of c. q. t. to copies of, 158.

WARD, setting aside gift to guardian by, 113.

WASTE.

by Hindu widow, 145.
trustee ground for appointment of receiver, 340.
duty of trustee to prevent, 142.
See Trusts Act, 1882.

WIFE, no resulting trust on purchase in name of, 90.

WILFUL DEFAULT, must be pleaded, 187.

trustee when chargeable with, 182.

WILL,

executory trust in, 21. implied trust in, 77. trust in, for payment of debts, 76. resulting trust in, 83.

WINDING-UP TRUST, 219. time for, 121.

WORSHIP, right to erect places of, 380.

WRITING, when necessary to creation of trust, 51.

See TRUSTS ACT, 1882.

WRITTEN AUTHORITY, payment of trust-fund on, 179. WRITTEN STATEMENT, disclaimer by, 133.



WUQF, alienation of --- property, 385. subject to trust, 386. 'altamgha,' use of word, 383. appointment of mutawalli, 388. appropriation of property for purposes of, 381. evidence of, 382. breach of trust, 387. creation of, 381. endowment subject to mortgage, 384. evidence of appropriation, 382. female may be mutawalli, 388. 'inam,' use of the word, 383. injunction to restrain obstruction to worship, 390. lease of --- property, 386. mutawalli, appointment of, 388. mortgage by local custom, 886. endowment subject to, 384. nominal endowment, 386. objects of, 381. office of trustee of, 388. purchase from trustee of, 387. removal of trustee, 337. requisites to valid creation of, 382. revocation of, 385. succession to office, 388. suits respecting, 389.

undue influence, grant obtained by, void, 384 See Trusts Act, 1882.

YEAR for realizing assets, 173, 221.

transfer of trust, 386.

AS-001054