

TRESPASS—*Continued.*

- ruinous and irremediable. *Georges Creek Coal and Iron Company vs. Detmold*, 371.
2. But an injunction is not granted to restrain a mere trespass, where the injury is not irreparable and destructive to the plaintiff's estate, but is susceptible of perfect pecuniary compensation, and for which the party may obtain adequate satisfaction in the ordinary course of law. *Ib.*

TRUST.

See LIMITATIONS, STATUTE OF, 2, 3.

RESULTING TRUST.

SECRET TRUST.

LIABILITY OF CORPORATIONS ON TRANSFERS OF THEIR STOCK, 2 to 4.

TRUSTEE IN INSOLVENCY.

1. It is the right and duty of the trustee in insolvency, to sell the mortgaged property of his insolvent, and pay off all the liens and incumbrances thereon. *Bank of Westminster vs. Whyte*, 536.
2. Though the transfer made to secure a debt, is in the nature of a trust, still it is the duty and the right of the trustee in insolvency, to dispose of the property. *Ib.*

TRUSTEES, THEIR DUTIES AND POWERS.

1. A trustee for the sale of lands under a decree of a court of equity, is the mere instrument or agent by whose hands the court acts, and the sales made by him, are, in fact, the sales of the court. *Sevall vs. Costigan*, 208.
2. The court has the incontestible power to pass an order, directing the trustee to bring the proceeds of sale into court, to be disposed of under its direction. *Ib.*
3. The court is not disposed to look with favor upon the appropriation by its trustee of the proceeds of sales without its previous authority, and such conduct will be viewed with especial jealousy where married women and children are concerned, and the property or fund raised by the sale, is subject to marriage settlements, designed for the support of families. *Ib.*
4. When a trustee, appointed by this court to sell property and bring the proceeds in to be disposed of under its orders, disburses money without competent authority, he will be chargeable as if the money was in hand. *Green vs. Putney*, 262.
5. This principle cannot be applied with the same rigor to a trustee acting under a deed, giving express authority to pay debts. *Ib.*
6. Nor does the fact that such a trustee applies to a court of equity for its direction and assistance in the execution of his trust, place him in the predicament of a trustee of the court's appointment, with powers limited and defined by the decree. *Ib.*
7. If such trustee thinks proper himself to disburse the fund, he cannot be called upon to bring it into court, unless the disposition which he has made of it, is shown to be improper. *Ib.*

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