

CHAP. 388.

Title confirmed to

As to liability

In any case only
minority of trust-
tees remainingMay supply vacan-
cies

Proviso

In case of absence
of trusteeVacancy may be
filled

Mode specified

tees, be prescribed in the deed creating the trust, and on the filling up of said vacancy or vacancies, the new trustee or trustees shall be seized of the trust property, jointly with the trustee or trustees who appointed him, or them, in the same manner and possessed of the same power over the trust property, as if he or they had been originally named in the deed creating the trust; *provided nevertheless*, that no trustee shall be at liberty by such resignation to exonerate himself from any pecuniary responsibility, so as to throw the whole burden thereof, on the remaining trustee or trustees, without his or their assent.

Sec. 3. *And be it enacted*, That whenever any property has been conveyed in trust as aforesaid, and by reason of the causes specified in the deed creating the trust, or by reason of resignations as authorised by this act, or from any other cause, there shall be a minority only of the board of trustees remaining, it shall and may be lawful for the remaining trustee or trustees, or a majority of them, to fill up the board of trustees, conforming as nearly as possible, in so doing, to the provisions of the deed creating the trust, *provided however*, if a different mode of filling any vacancy or vacancies in the board of trustees, be prescribed in the deed creating the trust, then the vacancy or vacancies shall be filled in the manner thereby prescribed, and on filling up of said vacancy or vacancies, the new trustee or trustees shall become jointly seized with him or them, of the trust property, according to the enactments of the second section of this law.

Sec. 4. *And be it enacted*, That whenever any property may have been, or shall hereafter be conveyed in trust as aforesaid, and by reason of the removal out of the State, or from any other cause whatever, the trustees cannot be assembled for the purpose of filling any vacancy, or vacancies, occurring as aforesaid, it shall and may be lawful for the nomination of a trustee, or trustees, to fill the vacancy, or vacancies to be made to each of the trustees separately, and for each of the trustees to give his vote in writing specifying the name of the nominee, or nominees for whom he votes, and an election made in such manner, shall have the same effect, and be equally as valid as if made according to the provisions of the deed, creating the