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"duty as such Trustee, Executor, or Administrator, in the subject matter of the said application; provided, nevertheless, that this act shall not extend to indemnify any Trustee, Executor, or Administrator in respect of any act done in accordance with such opinion, advice, or direction, as aforesaid, if such Trustee, Executor, or Administrator shall have been guilty of any fraud, or wilful concealment, or misrepresentations, in obtaining such opinion, advice, or direction; and the costs of such application, arguments, and counsel, as aforesaid, and the party or funds by, or out of which they shall be paid, shall be in the discretion of the Judge in Equity, or Associated Court, or Supreme Court."

A similar provision was made in *Ontario*, in 1865, under the title, "An Act to Amend the Law of Property and Trusts in Upper Canada," only it requires that such application should have the certificate of counsel as to the propriety of the application. No such statutory provision is found in *New Brunswick*. Of course in that Province the opinion or decision of a Court, may be obtained by means of an amicable suit; but in cases where no such arrangement can be come to, the Estate may be wasted before the Law is declared, and the Trustee, Executor, or Administrator be in no way to blame.

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