

of a Court of Record.

taken and shall have in his lawful keeping, under and by virtue of any process whatsoever issued out of Her Majesty's Courts of Record in and for Upper Canada.

C A P . C X I X .

An Act to authorize the Sale or Lease of Lands in Upper Canada, held in Trust for the use of Congregations or Religious Bodies.

[Assented to 19th May, 1855.]

Preamble.

WHEREAS Grants of Land have frequently been made by the Crown to Trustees, and Lands have in many instances been acquired by purchase and by Donations from individuals for the use of various Congregations and Religious Bodies in Upper Canada, and such Congregations and Religious Bodies are unable to manage such Lands advantageously from the want of power to bind the Successors of any Trustees entering into agreements for leasing or otherwise disposing of such portions thereof as may not be immediately required for the use of the respective Congregations or Religious Bodies, and it is expedient to grant such power and authority: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same:

Trustees may lease lands for 21 years, and make such leases renewable on terms to be fixed in a certain manner, or may bind their successors to pay for improvements, &c.

I. That the Grantees named in any Letters Patent from the Crown or the Survivors or Survivor of them, or the Trustees for the time being appointed in manner prescribed in such Letters Patent, and the Trustees entitled by Law to hold any Lands in Trust for the use of any Congregation or Religious Body for the time being, shall from and after the passing of this Act, have full power and authority to demise or lease for any term not exceeding Twenty-one years, any Lands held by them in trust for the use and benefit of their respective Congregations or Religious Bodies or Societies, at such Rent and upon such terms as they or a majority of them shall deem reasonable and just, and that such Trustees shall have authority to execute such Leases as may be necessary for periods not exceeding Twenty-one years, and to enter into any Covenant or agreement therein, which shall bind their Successors for the renewal of any such Lease or Leases at the expiration of any or every term of Twenty-one years for a further period or term of Twenty-one years or lesser period, at such Rent and on such terms as may then by the Trustees for the time being be agreed upon with the Lessee, his Heirs or Assigns, or for the payment to the Lessee, his Heirs or Assigns, of the value of any Buildings

Buildings or other Improvements which may at the expiration of any Term be on the demised premises, and that the mode of ascertaining the amount of such Rent or the value of such improvements may be stipulated and agreed upon and specified in such original Lease or Leases, and such stipulation or agreement shall be binding on the Trustees for the time being and may be enforced by any Court of Law or Equity having Jurisdiction in such cases.

II. Provided always that in any case in which a majority of Trustees or a majority of them may execute a lease under this Act for the unexpired portion of any term already granted, altho' it exceed 21 years.

any such Grantees, or of the Survivors, or the Survivor, of them, or a majority of any such Trustees for the time being as aforesaid, may before the passing of this Act, have entered into an agreement or contract in writing, with any person for the leasing of any portion of such lands for any term of years, it shall and may be lawful for such Grantees or the Survivors or Survivor of them, or the majority of such Trustees for the time being, to execute a Lease or Leases of the land, for the unexpired portion of the term, and with the conditions and stipulations mentioned in such agreement or contract, although such term or the unexpired portion thereof exceed twenty-one years; and the execution of such a lease may be enforced by the party having a right to claim the same, his heirs or assigns.

III. And be it further enacted, that the Trustees for the time being entitled by Law to hold Lands in trust for any Congregation or Religious Body shall have power in their own names or by any name or designation by which they may hold such Lands, to sue or to distrain for any Rent in arrear, and to take all such lawful ways and means for the recovery thereof as Landlords in other cases are now by law entitled to take to enforce the payment of Rents.

Trustees may sue or distrain for rent in arrear, and in what name.

IV. And be it further enacted, that nothing herein contained shall be taken to confer on Trustees any power to Lease or demise any Lands without the consent of the Congregation or Religious Body for whose use they hold the same in trust, signified by the votes of a majority of the Members present at a meeting thereof duly called for that purpose, nor any Lands which at the time of making such Lease may be necessary for the use of the Congregation for which the same may be held for the purpose of erecting a Church or place of Worship or other Building thereon, or for a Burial Ground for such Congregation.

Land required for Church or Burial Ground may not be leased without consent of Congregation.

V. And be it further enacted, that when any piece or parcel of Land held by Trustees for the use of any Congregation or Religious Body, shall have become unnecessary to be retained for such use by reason of other ground having been obtained or from any other cause, and it shall be deemed advantageous to sell such piece or parcel of Land, it shall and may be lawful for the Trustees, for the time being, to give Public Notice of

Land in trust may be sold when no longer required by the Congregation, and how.

Public Notice  
and Auction.

an intended Sale, specifying the premises to be sold, and the time and terms of Sale, and after publication of such notice in any weekly Paper published in or near the place where the Lands are situated, for four successive weeks, to proceed to sell such Lands at Public Auction according to the terms of such notice, but the Trustees shall not be obliged to complete or carry into effect such Sale, if in their judgment an adequate price shall not have been offered for such Lands; and that after such offer at Public Sale, the Trustees may proceed to sell such Lands either by public or private sale: Provided always, that a less sum shall not be accepted at Private Sale than may have been previously offered at Public Sale: Provided also, that before any Deed shall be executed in pursuance of any Public or Private Sale, the Congregation or Religious Body for whose use the Lands have been held shall be duly notified thereof, and the sanction of the Court of Chancery shall be obtained for the execution of such Deed.

Proviso.

Proviso.

Trustees to  
prepare and  
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ments annual-  
ly.

VI. And be it further enacted, that it shall be the duty of Trustees acting under the authority of this Act on the first Monday in July in each year, to have prepared and open for the inspection of the Congregation or Religious Body which they represent, or any Member thereof, a full and detailed statement of all Rents which may have accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of such Congregation or Religious Body, which may have in any manner been derived from the Lands under their control or subject to their management, and also shewing the application of any portion of such moneys, in case any shall have been expended in behalf of their respective Congregations or Religious Bodies.

Trustees may  
be called upon  
to account by  
Court of Chan-  
cery.

VII. And be it further enacted, that the Court of Chancery may in a summary manner, on complaint on oath of any three Members of a Congregation or Religious Body, of any misfeasance or misconduct by or on the part of any Trustees in the performance of duties authorized by this Act, call upon such Trustees to give in an account, and may enforce the rendering of such account, the discharge of any duties, and the payment of any moneys, so that such Congregation or Religious Body may have the benefit thereof; and the said Court may compel such Trustees, in case of any misconduct, to pay the expense of such application, or may award costs to such Trustees in case such application shall be made on grounds which the Court shall consider insufficient or frivolous or vexatious.