

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 121

An Act to provide means for the sale of lands held for the purposes of public Educational Institutions, in Upper Canada, when such lands cannot be conveniently used for such purposes. Assented to 19th May, 1855.

Whereas it hath happened and may happen that lands have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown, or to the Trustees of any District or County Grammar School, or to some other party, in trust for the purposes of or as a site for any such Grammar School, or of any other Educational Institution established in some County or place, and for the benefit of the inhabitants thereof generally, — and that such lands may be found not to afford the most advantageous site for such School or Institution, or there may be no School or Institution bearing the precise designation mentioned in the deed of surrender, grant, devise or other conveyance, or that it may be for the benefit of such School or Institution that such lands be disposed of and others acquired in their stead for the same purpose, or the proceeds of the sale applied thereto: 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, as follows:

I. In any of the cases mentioned in the Preamble of this Act, it shall be lawful for the Trustees of any Grammar School or Institution or other party in whom any lands shall be vested in trust as therein mentioned, with the consent of the Municipal Council of the Municipality in which such School or Institution is or is to be established, to surrender and convey such lands to the Crown unconditionally; and any lands so surrendered, as well as any lands which have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by order of the Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purposes of the same School or Institution, or in the case of there being no School bearing the precise designation intended as aforesaid by the party from whom the lands so sold came to the Crown, then for the purposes of the Grammar School or other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, which shall, in the opinion of the Governor in Council, come nearest in its purposes and designs to that intended by such party as aforesaid; and if such proceeds are applied to the purchase of lands for Grammar school purposes, the title to such Lands may be vested in the Board of Trustees for any Grammar School, by their Corporate name: and if there be any surplus of such proceeds after such purchase, or if it be found that no lands are required as a site for or for other purposes of such School or Institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such School or Institution in such manner as the Governor in Council shall deem most for the advantage thereof.

II. It shall not be necessary that any such surrender, grant, devise or other conveyance to the Crown as aforesaid, be formally accepted by the Crown or by the Governor or other Officer or person for the Crown, but the same shall be valid, and shall vest the lands absolutely in the Crown, without such acceptance; and a certificate under the hand of the Head of the Municipality and the corporate Seal thereof, that the Municipal Council hath, by a majority of its members present at any legal meeting thereof, consented to any surrender for which such consent is necessary under this Act, shall be sufficient evidence of such consent.

III. No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money by him paid, to the purpose to which it is to be applied.

IV. Nothing in this Act shall be construed to impair the rights of any private party in or upon any lands, in so far as such rights would have existed and could be exercised without this Act.

V. It shall be lawful for the Crown to grant to the Trustees of any Grammar School or of any other Public Educational Institution established for the benefit of the Inhabitants of the Municipality generally, any lands which have been or may hereafter be surrendered, granted, devised or otherwise conveyed to the Crown as aforesaid.

VI. This Act shall apply only to Lands and Educational Institutions in Upper Canada.