

CHAP. 13.

An Act to facilitate Gifts of Land for Public Parks, Schools, and Museums. [25th May 1871.]

A.D. 1871.

WHEREAS it is expedient to facilitate gifts of land for the purpose of forming public parks, schools, and museums:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the "Public Parks, Schools, and Museums Act, 1871."

Not to extend to Scotland or Ireland.

2. This Act shall not extend to Scotland or Ireland.

Interpretation of terms: Public park: Elementary school:

3. In the construction of this Act, the words "public park" shall include any park, garden, or other land dedicated or to be dedicated to the recreation of the public; the words "elementary school" shall mean a school or department of a school at which elementary education is the principal part of the education there given, and shall not include any school or department of a school at which the ordinary payments in respect of the instruction from each scholar exceed ninepence a week; the word "school-house" shall include the teachers dwelling-house, and the playground (if any), and the offices and all premises belonging to or required for a school; and the words "public museum" shall include any buildings used or to be used for the preservation of any collection of paintings or other works of art, or of any objects of natural history, or of any mechanical or philosophical inventions, instruments, models, or designs, and dedicated or to be dedicated to the recreation of the public, together with all libraries, reading-rooms, laboratories, and other offices and premises used or to be used in connexion therewith.

School-house:

Public museum.

Gifts and bequests of land or of money to be laid out in land for a public park, &c. exempted from the Mortmain Act.

4. From and after the passing of this Act all gifts and assurances of land of any tenure, and whether made by deed or by will or codicil, for the purposes only of a public park, a school-house for an elementary school, or a public museum, and all bequests of personal estate to be applied in or towards the purchase of land for all or any of the same purposes only, shall be valid notwithstanding the statute of the ninth George the Second, chapter thirty-six, and other statutes commonly known as the Statutes of Mortmain.

All such gifts, &c. not made for valuable consideration to be made 12 months before the donor's death, and to be enrolled.

5. Provided, that every will or codicil containing any such gift or assurance and every deed containing any such gift or assurance and made otherwise than for full and valuable consideration, shall in order to enable such gift or assurance to take effect under this Act, be made twelve calendar months at least before the death of the testator or grantor, and shall be enrolled in the books of the Charity Commissioners within six calendar months next after the time when the same will, codicil, or deed shall come into operation.

Limit to extent of land that may be given.

6. Nothing in this Act shall authorise any gift by will or codicil of more than twenty acres of land for any one public park, or of more than two acres of land for any one public museum, or of more than one acre of land for any one school-house.

Not to invalidate, &c. any gift, &c. which would have been valid had this Act not passed.

7. Nothing in this Act contained shall invalidate or impose any restriction or condition upon any gift or assurance which would have been valid and free from such restriction or condition if this Act had not been passed.

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