

No. 39

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 39

A Bill to Provide for the Incorporation of Parishes of the
Ukrainian Catholic Church in Alberta

MRS. WILKINSON

(Private Bill)

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1956

BILL

No. 39 of 1956

An Act to Provide for the Incorporation of Parishes of the
Ukrainian Catholic Church in Alberta

(Assented to , 1956)

WHEREAS The Ukrainian Catholic Episcopal Corporation of Western Canada, a corporation incorporated by chapter 191 of the Statutes of Canada, 1913, as amended by chapter 83 of the Statutes of Canada, 1951, has by its petition prayed that an Act be passed by the Legislature of Alberta to provide as hereinafter set forth with regard to the property, rights and powers of the parishes and missions of the Ukrainian Catholic Church in Canada within the Province as hereinafter mentioned; Preamble

And whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Ukrainian Catholic Parishes Act*". Short title

- 2.** In this Act, Definitions
- (a) "Church" means the Catholic Church of Ukrainian Rite in Canada, in communion with the Holy See of Rome; "Church"
 - (b) "Corporation" means a parish incorporated under this Act; "Corporation"
 - (c) "members" means Christians who hold services of public worship according to the dogmas, doctrines, discipline, by-laws, rules and regulations of the church; "members"
 - (d) "parish" means a congregation, local church charge, circuit, mission or other local unit for purposes of worship, under the guidance of a priest of the Church. "parish"

3. (1) The members of any parish, at a meeting called as hereinafter provided, may, by a clear majority of the votes of the members present at the meeting and entitled to vote, pass a resolution constituting the members of the parish and their successors a body politic and corporate under the name: "The Ukrainian Catholic Parish of". Incorporation

or "The Ukrainian Greek Catholic Parish of"
 or "The Greek Catholic Parish of" (giving
 the distinguishing name of the parish).

(2) A copy of the resolution accompanied by a certificate of consent in writing under the hand of the bishop of the Church in Alberta and sealed with the seal of The Ukrainian Catholic Episcopal Corporation of Western Canada, and stating that the members of the parish are members of the Catholic Church of Ukrainian Rite in Canada in communion with the Holy See of Rome, and that the parish is a parish of that Church, shall, within six months after the date of the meeting, be filed in the office of the Provincial Secretary.

(3) A copy of resolution, so filed, certified by the Provincial Secretary, shall be received in all cases as *prima facie* proof of the facts and matters therein stated.

(4) Fourteen days' notice shall be given of any meeting called for the purposes mentioned in subsection (1) and the notice shall state the purpose of the meeting and shall be published in a newspaper having a general circulation in the locality in which the parish is situated.

(5) A corporation may be operated in such a manner as to be self-sustaining financially, but shall not be operated for the purpose of being, or so as to be, a source of revenue to members or parishes or to the Church.

Spiritual
guidance

(6) A corporation under this Act shall be under the jurisdiction of the bishop of the Church in Alberta and his successors in office of the same faith and rite, appointed by the Holy Father the Pope and persevering in communion with the Holy See of Rome.

Board of
trustees,
financial
board and
organiza-
tions

4. (1) Every corporation shall have

- (a) a priest duly appointed by the bishop who shall be the rector of the board of trustees, Church committees and all parochial organizations of the corporation,
- (b) an elected board of trustees comprising not less than five members in addition to the rector and the chairman of the board of trustees,
- (c) a financial board comprising at least three members who shall act in an advisory capacity, and
- (d) any necessary parochial organizations in order to aid the corporation and its good works.

(2) The trustees shall be elected annually for a period of one year by the members present at the meeting and entitled to vote but the trustees may be re-elected.

(3) Members of the financial board may also be members of the board of trustees.

(4) No parochial organization may be legitimately organized within the parish without the formal approval of the rector.

5. (1) All meetings of the members of a corporation shall be called by the rector or in his absence, and with his consent, by the board of trustees. Meetings

(2) Where a meeting is held in the absence of the rector all decisions shall be made subject to his approval.

(3) All questions at meetings shall be decided by majority vote.

(4) In case of a tie vote, the rector shall have a casting vote. Casting vote

(5) No orders, by-laws, decisions and regulations of any parochial organization shall have any force or effect until the consent of the rector has been obtained. Consent of rector

(6) Cheques issued by a corporation shall be signed by the rector and one of the members of the board of trustees, or where there is no resident rector, by two members of the board of trustees. Signing cheques

(7) Parochial seals, registers, documents and minutes of the board of trustees, Church committees and religious organizations, should be kept in the parish rectory, and if possible in a fire-proof safe. Seals, registers and minutes

(8) Each corporation shall submit detailed annual financial statements to the bishop of the Church in Alberta, and shall open its financial books for inspection to a duly appointed representative of The Ukrainian Catholic Episcopal Corporation of Western Canada. Financial returns

6. Every corporation may, with the written approval of the bishop of the Church, purchase, acquire, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, necessary for its purposes or any estate or interest therein. Purchase of property

7. Every corporation may, with the approval of the bishop of the Church, sell, convey, exchange, alienate, mortgage, lease or demise, any real or personal property held by the corporation, whether by way of investment for the uses and purposes of the corporation or not. Disposal of property

8. (1) Every corporation may make by-laws, not contrary to law, for By-laws

(a) the administration, management and control of the property, business and other temporal affairs of the corporation,

(b) the appointment of committees for the purposes of the corporation, and the calling of the meetings of those committees,

(c) generally for the carrying out of the objects and purposes of the corporation.

(2) No such by-law shall have any force or effect, nor shall any committee have any powers, until the approval thereof in writing of the bishop of the Church in Alberta has been obtained.

- Borrowing** **9.** (1) Every corporation may, for the purposes of the corporation
- (a) borrow money upon the credit of the corporation,
 - (b) limit or increase the amount to be borrowed, and
 - (c) make, draw, accept, endorse or become party to promissory notes and bills of exchange.
- (2) Every such note or bill made, drawn, accepted or endorsed by the corporation and signed by the bishop of the Church in Alberta, or by some other person nominated for the purpose by the bishop of the Church in Alberta, shall be binding upon the corporation, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown, and it is not necessary in any case to have the seal of the corporation affixed to any such note or bill.
- Execution of documents** **10.** Any deed, transfer, mortgage, charge, or other instrument relating to, or dealing with, real estate or any interest therein vested in any corporation, shall be deemed to be duly executed and binding upon the corporation, and shall be sufficient for the purposes for which it is intended, if there are affixed thereto the seal of the corporation attested by the rector and secretary of the board of trustees and the seal of The Ukrainian Catholic Episcopal Corporation of Western Canada attested by the bishop of the Church.
- Returns** **11.** Every corporation shall, when thereunto required by the Provincial Secretary, make a full return of its property, real and personal, and of its receipts and expenditures for such period, and with such details and other information, as the Provincial Secretary requires.
- Liability of members** **12.** No member of any corporation shall be individually responsible for any of the debts, contracts or liabilities of the corporation.
- General by-laws** **13.** A corporation formed under this Act shall be governed by such general by-laws as may be from time to time made, altered, or amended, by the bishop of the Church in Alberta.
- Changes of names of parishes** **14.** (1) Every parish or mission of the Ruthenian Greek Catholic Church in the Province of Alberta that, before the passing of this Act, became a body corporate under An Act to incorporate The Ruthenian Greek Catholic Parishes and Missions in the Province of Alberta, being chapter 83 of the Statutes of Alberta, 1913, is continued as a body corporate under this Act, and on, from and after the coming into force of this Act, this Act applies to that body corporate, and the name of each of those parishes or missions is hereby changed by substituting the words "The Ukrainian Catholic Parish of" or "The Ukrainian Greek Catholic Parish of" or "The Greek Catholic Parish of" for "The Ruthenian Greek Catholic Mission of"

where those words appear in the name, or for any other name that might have been given to a parish or mission that derived its existence under the said chapter 83 of the Statutes of Alberta, 1913, and the titles to all properties now standing in the name of any such parish or mission shall be amended by substituting one of the names hereby authorized for the original name of the said corporation in such titles.

(2) Except the change of names of parishes or missions formerly incorporated in one of those incorporations mentioned in subsection (1), such change in name shall not in any way impair, alter or affect the rights or liabilities of the corporation or any bequest, gift or donation now made or which hereafter may be made to the corporation whether by its original or its new name, or any suit or proceeding now pending or judgment existing either by or in favour of or against the corporation and which, notwithstanding such change in name of the corporation, may be enforced and continued as if this Act had not been passed.

15. An Act to incorporate The Ruthenian Greek Catholic Parishes and Missions in the Province of Alberta, being chapter 83 of the Statutes of Alberta, 1913, is hereby repealed. ^{Repeal}

16. This Act comes into force on the day upon which it is assented to. ^{Coming into force}

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to Provide for the Incorpora-
tion of Parishes of the Ukrainian
Catholic Church in Alberta

Received and read the

First time.....

Second time.....

Third time.....

MRS. WILKINSON
