

No. 73

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 73

A Bill to Incorporate the Roman Catholic Archdiocese
of Edmonton

MRS. WILKINSON

EDMONTON, ALBERTA
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1957

BILL

No. 73 of 1957

An Act to Incorporate the Roman Catholic Archdiocese
of Edmonton

(Assented to _____, 1957)

Whereas in 1878, Ordinance No. 11 of the North-West Territories was enacted providing for the incorporation of "La Corporation Episcopale Catholique Romaine de St. Albert" and subsequently renamed by section 7 of Chapter 82 of the Statutes of Alberta, 1913, as "La Corporation Archevêpiscopale Catholique d'Edmonton", and

Whereas in 1913, an Act to Incorporate the Roman Catholic Parishes and Missions in the Archdiocese of Edmonton was enacted; and

Whereas a petition has been presented requesting a change of name from "La Corporation Archevêpiscopale Catholique d'Edmonton" to "The Catholic Archdiocese of Edmonton"; and

Whereas both the foregoing statutes were amended from time to time; and

Whereas it is desirable in granting the said petition to provide for a revision and consolidation of the said two foregoing statutes, together with any amendments found desirable:

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 Catholic Archdiocese of Edmonton Act*". Short Title

2. The Most Reverend John Hugh MacDonald, Archbishop of the Catholic Archdiocese (hereinafter referred to as the "Archdiocese") and each of his successors in the said Archdiocese in communion with the Church of Rome, shall be, and is by these presents declared and established a corporate body, in fact and in name, under the name of "The Catholic Archdiocese of Edmonton" (hereinafter referred to as the "Corporation") and under this name shall have the right of succession in perpetuity, and shall have a corporate seal, and may from time to time, modify, renew, or otherwise change at pleasure such corporate seal. Incorporation

Powers

- 3.** The corporation is hereby authorized and empowered
- (a) to acquire by gift, purchase, devise, bequest, transfer or otherwise, real or personal property of every nature in the Province of Alberta and to have, hold, possess, enjoy, take and receive the same for the general uses and purposes, ecclesiastical, religious, charitable, educational and recreational of the said diocese or any part thereof,
 - (b) to give, sell, exchange, convey, transfer, assign, mortgage, encumber, demise, or otherwise dispose of all or any of the property, real or personal, of the said corporation or any interest therein, and
 - (c) to enact such regulations and orders as are deemed necessary for the management of the affairs of the corporation and, from time to time to amend, alter or annul the regulations and orders, or any of them, as the corporation deems fit and proper.

Idem

4. The corporation in addition to all other powers shall have power

- (a) to borrow or raise or secure the payment of money in such manner as it thinks fit, and in particular by negotiable instruments and by the issue of debentures or debenture stock, bonds, mortgages or obligations, charged upon the property of the corporation, and to extend the period for payment of the same, and to purchase, redeem or pay off any such securities in whole or in part,
- (b) to advance money at interest rates and to receive mortgages, bonds, debentures, negotiable instruments or other securities as security therefor, and to assign, sell, transfer, hypothecate, pledge or otherwise dispose of such mortgage or securities so received, and to discharge and release mortgages or other securities so given, either in whole or in part and to extend the period for payment thereof,
- (c) to ensure or give any guarantee for payment of any loan, mortgage, bond or debenture issue, obligations or securities made or issued by any parish or parishes, situate within the territorial limits of the Archdiocese as the same shall from time to time be constituted,
- (d) to mortgage or charge all or any part of the property of the corporation, either for the payment or security for a debt or otherwise, and
- (e) each of the parishes established as provided in this Act shall have the same powers as are hereinbefore in this section conferred upon the corporation, except the powers conferred in clause (c) above.

Signing of documents

5. All instruments or documents to be signed or executed by the corporation shall be signed or executed by the Archbishop.

6. (1) In the event of the vacancy of the Archbishopric or in case of the absence from the Archdiocese of the Archbishop or of his being incapacitated by sickness, infirmity or from any other cause, then and in such case the coadjutor Archbishop of the Archdiocese, or the Archbishop or Bishop auxiliary to the Archbishop of the Archdiocese or the vicar general or the member of the clergy canonically elected or appointed to administer the affairs of the Archdiocese shall be entitled to exercise all the powers and authority of the corporation in the place and stead of the Archbishop. Vacancy

(2) All powers herein authorized to be exercised by the Archbishop may be exercised in like manner by the coadjutor Archbishop or the Archbishop or Bishop auxiliary, or the vicar general or the member of the clergy canonically elected or appointed to administer the affairs of the Archdiocese.

7. (1) The Archbishop may establish parishes or missions within the archdiocese and every such parish or mission shall become a body politic and corporate by the style and name of "The Catholic Parish of....." or "The Catholic Mission of" or "La Paroisse Catholique de" or "La Mission Catholique de" with the specific name given in each case by the Archbishop and each such parish or mission so established shall have perpetual succession and a common seal, with power to change or alter the said seal. Parishes

(2) Each such parish or mission shall be represented by the Archbishop and the priest appointed by the Archbishop for the administration of each such parish or mission.

(3) All instruments or documents to be signed or executed by each such parish or mission shall be signed or executed by the parish priest or missionary appointed by the Archbishop to be in charge of such parish or mission, as the case may be, and by the Archbishop with the seal only of the parish or mission, as the case may be.

8. Every parish or mission of the Roman Catholic Church in the Province of Alberta that, before the passing of this Act, became a body corporate under *An Act to incorporate The Roman Catholic Parishes and Missions in the Archdiocese of Edmonton*, being chapter 82 of the Statutes of Alberta, 1913, is continued as a body corporate by this Act. Continuation
of body
corporate

9. It shall be lawful for any person or corporation in whose name any real or personal property is now or may hereafter be held in trust or otherwise for the benefit of the said Archbishop or for the benefit of any parish or mission established by the said Archbishop to assign, convey or transfer the same to the corporation or to the said parish or mission, as the case may be. Acquisition
of property

10. All the real and personal property hereinafter described namely:
the land located in the Municipal District of Sturgeon Tax
exemption

River No. 90 not exceeding 5 acres in extent, together with the buildings, equipment and furnishings, consisting of a part of the S.E. quarter of section 34-53-25-W4thM in the Province of Alberta, Dominion of Canada, which lies to the East of the present trail between St. Albert and the City of Edmonton as shown on filed plan 1460 E.V. containing 126 acres more or less, Reserving thereout all Mines and Minerals and as described in Certificate of Title No. 48-V-152.

are exempt from taxation so long as the same are owned by the corporation and used for educational purposes, except for local improvement taxes and taxes pertaining to minerals.

Vesting of
property

11. (1) All the lands, estates, leases, charges, mortgages, encumbrances, securities, assets, properties, real, personal or mixed, effects, rights, credits, *choses in action* and causes of action of every description belonging to or standing in the name of or existing in La Corporation Archeviseopale Catholique d'Edmonton are hereby transferred to and vested in The Catholic Archdiocese of Edmonton without further act or deed to and for the use and benefit absolutely of The Catholic Archdiocese of Edmonton, for all the estate, right, title, interest, claim and demand which the said La Corporation Archeviseopale Catholique d'Edmonton had at the commencement of this Act or thereafter becomes or may become entitled to, and the said The Catholic Archdiocese of Edmonton shall be and is hereby empowered to exercise all the powers, rights, and privileges over or in respect of the same, or any of them, that La Corporation Archeviseopale Catholique d'Edmonton has or had or could or might have exercised and may sell, release, discharge, assign, transfer, convey or dispose of all or any of said lands, mortgages, charges, encumbrances, securities, assets, properties, rights, credits, and *choses in action*, aforesaid and execute all requisite or proper assignments, transfers, discharges, releases, deeds, grants or conveyances, as occasion therefor arises and exercise all powers contained in said mortgages, charges, securities and encumbrances in the name of La Corporation Archeviseopale Catholique d'Edmonton in the same manner as if the said lands, mortgages, charges, encumbrances, securities, assets, properties, rights, credits and *choses in action*, aforesaid stood in the name of or had been made to or in favour of the said The Catholic Archdiocese of Edmonton and no suit, action or other proceedings or power or remedy being exercised shall be discontinued or abated on account of this Act, but the same may be continued in the name of The Catholic Archdiocese of Edmonton, which shall have the same rights, and be subject to the same liabilities, and shall pay or receive the like costs as if such actions, suits or proceedings had been commenced or defended in the name of La Corporation Archeviseopale Catholique d'Edmonton and The Catholic Archdiocese of Edmonton is empowered to bring and maintain in its own name any action, suit, appeal or other proceedings, or to exercise any power,

remedy or right of distress that La Corporation Archeviseopale Catholique d'Edmonton could have been or become entitled to bring, maintain or exercise.

(2) This Act shall be and shall in all respects be treated for the purposes of every land titles office registry office and other public office in Alberta and of any and all transactions therein and of the officers administering the same, as a legal and valid grant, conveyance, transfer and assignment to The Catholic Archdiocese of Edmonton of any and all lands or interests in lands and of any and all mortgages, charges and encumbrances and of any and all other property of every description, real, personal or mixed, now or hereafter standing in the name of or vested in La Corporation Archeviseopale Catholique d'Edmonton and it shall not be necessary to register or file or issue any further or other instrument, document, or certificates or to make any entry showing the transmission or assignment of title from La Corporation Archeviseopale Catholique d'Edmonton to The Catholic Archdiocese of Edmonton of any such property or in the case of lands under *The Land Titles Act* to have certificates of title issued in, or to have any mortgage, charge, or encumbrance transmitted to the name of The Catholic Archdiocese of Edmonton, nor shall it be necessary in any conveyance, instrument, or document whereby The Catholic Archdiocese of Edmonton deals with any of the said property to recite or set out such transmission or assignment of title or to pay any fee in connection with the grant hereby made of any of such property.

(3) Nothing in this Act affects the rights of any creditor of La Corporation Archeviseopale Catholique d'Edmonton.

12. The corporation shall at all times when called upon to do so by the Lieutenant Governor in Council render an account in writing of its property and affairs. Accounting

13. The powers herein granted shall be subject to the general laws of the Province now in force or hereafter enacted. General laws

14. Ordinance No. 11 of 1878 of the Ordinances of the North-West Territories, entitled "Ordinance to Incorporate the Roman Catholic Bishop of St. Albert", and all subsequent amendments thereto, and "An Act to Incorporate the Roman Catholic Parishes and Missions in the Archdiocese of Edmonton", being chapter 82 of the Statutes of Alberta, 1913, and all subsequent amendments thereto are hereby repealed. Repeal

15. This Act comes into force on the day upon which it is assented to. Coming into force

THIRD SESSION

THIRTEENTH LEGISLATURE

5 ELIZABETH II

1957

BILL

An Act to Incorporate the Roman
Catholic Archdiocese of Edmonton

Received and read the

First time.....

Second time.....

Third time.....

MRS. WILKINSON
