

No. 5

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 5

A Bill to amend an Ordinance to Incorporate the Synod
of the Diocese of Calgary and the Parishes
of the said Diocese

MR. WATKINS

BILL

No. 5 of 1958

An Act to amend an Ordinance to Incorporate the Synod
of the Diocese of Calgary and the Parishes
of the said Diocese

(Assented to _____, 1958)

WHEREAS the name of The Church of England in Preamble
Canada has been changed to The Anglican Church of
Canada and a Petition has been presented for an Act to
amend an Ordinance to incorporate The Synod of the Diocese
of Calgary and the Parishes of the said Diocese and it is
expedient to grant the prayer of the said Petition:

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

1. An Ordinance to incorporate The Synod of the Diocese
of Calgary and the Parishes of the said Diocese being
chapter 33 of the Ordinances of the North-West Territories,
1891, is hereby amended:

2. Section 4 is amended by striking out the words "Church
of England" and by substituting the words "Anglican
Church of Canada". Section 4
amended
so that the section shall now read as follows:

"4. Such corporation shall have perpetual succession, and
a common seal, with power to change, alter, break and re-
new the same when and so often as they shall think proper,
and the said corporation may, under the same name, contract
and be contracted with, sue and be sued, implead and be
impleaded with, answer and defend in all courts and places
whatsoever; and the said corporation shall be able and
capable, in law, respectively, to purchase, take, hold, give,
receive, enjoy, possess, and retain without license in
mortmain all messuages, lands, tenements, and immovable
property, money, goods, chattels, and movable property,
which have been or hereafter shall be paid, given, granted,
appropriated, devised or bequeathed to it or purchased by
it in any manner or way whatsoever, to, for, or in favor of
the eleemosynary, ecclesiastical, and educational uses and
purposes within the limits of the said diocese, including
thereby the uses and purposes of any parish mission, in-
stitution, college, school or hospital connected with or in-

tended to be, or which may hereafter be connected with the (Anglican Church of Canada) in such Diocese.”.

Section 8
amended

3. Section 8 is amended

- (a) by striking out the words “Church of England Diocese of Calgary” and by substituting the words “Anglican Church of Canada Diocese of Calgary”,
- (b) by striking out the words “Church of England in the Diocese of Calgary” and by substituting the words “Anglican Church of Canada in the Diocese of Calgary”,
- (c) by striking out the words “Church of England in Rupert’s Land” and by substituting the words “Anglican Church of Canada in Rupert’s Land”.

so that the section shall now read as follows:

“**8.** The Church of England in all deeds, instruments and documents applying to that part of the Territories, included in the (Anglican Church of Canada Diocese of Calgary), shall mean, unless a different construction is to be gathered from the said deed, instrument or document, the Church organized by the members of the (Anglican Church of Canada in the Diocese of Calgary), for self-government, under the name of the (Anglican Church of Canada in Rupert’s land).”.

Section 10
amended

4. Section 10 is amended by striking out the words “Church of England” and by substituting the words “Anglican Church of Canada”.

so that the section shall now read as follows:

“**10.** The Incumbent or Curate in charge and Church Wardens of any congregation in the Diocese duly organized according to the Constitution of the Synod of Calgary shall be a body politic and corporate, and they and their successors, under the name of the (Anglican Church of Canada) Parish (or Mission) of shall have perpetual succession and a common seal, and by such name may from time to time and at all times hereafter purchase, acquire by gift, devise or bequest, if made at least six months before the death of the person making the same, hold, possess, and enjoy, and may have, take, and receive for them and their successors for ecclesiastical, educational, or eleemosynary uses, any lands, tenements, hereditary property, rents, annuities, and all other property whatever, movable or immovable, and the same may sell, exchange, alienate, mortgage, let, lease, and dispose of, and others in their stead purchase, acquire and hold for the uses and purposes aforesaid; provided that in the administration of the said property as regards selling, exchanging, alienating, mortgaging, or leasing real estate, or making investments in stock, funds, debentures or other property they shall first obtain the consent of the Synod of the Diocese of Calgary, either directly or through its Executive Committee.”.

5. Section 11 is amended by striking out the words "Church of England" and by substituting the words "Anglican Church of Canada".

Section 11
amended

so that the section shall now read as follows:

"11. All questions relating to the constitution, powers, meetings, and proceedings of Vestries, the qualification, term of office, powers and accounts of Church Wardens, and such other matters relating to the regulation and management of all or any of the Temporalities of the (Anglican Church of Canada) in the Diocese of Calgary, shall be settled from time to time by the Synod of the Diocese of Calgary, and the said Synod by by-law or canon may, from time to time as it may see fit, repeal, change, alter, and amend any of its previous provisions."

6. Section 12 is amended by striking out the words "Church of England" and by substituting the words "Anglican Church of Canada".

Section 12
amended

so that the section shall now read as follows:

"12. Any transfer, mortgage, or lease of real estate, or any interest therein, or any transfer of stock, funds, debentures or other personal property of any (Anglican Church of Canada) Parish, incorporated under section 10 of this Ordinance, shall be deemed to be duly executed for that purpose if the same has affixed thereto the common seal of the said Parish verified by the signature of the Incumbent or Curate in charge of such Parish so named therein, and of one of the Church Wardens of such Parish, and the consent of the Synod or of its Executive Committee to such dealing by such Parish shall be signified by the signatures of the President and Secretary of the Executive Committee."

7. Every parish or mission of the Synod of the Diocese of Calgary in the Province of Alberta that before the passing of this Act became a body politic and corporate under an Ordinance to Incorporate The Synod of the Diocese of Calgary and the Parishes of the said Diocese, being chapter 33 of the Ordinances of the North-West Territories, 1891, is continued as a body politic and corporate by this Act.

Continuation
of bodies
politic and
corporate

8. (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 The Church of England Synod of the Diocese of Calgary or in any of the Parishes (or Missions) thereof are hereby transferred to and vested in The Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission), as the case may be, without further act or deed to and for the use and benefit absolutely of The Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission), as the case may be, for all the estate,

Vesting of
property

right, title, interest, claim and demand which The Church of England Synod of the Diocese of Calgary or the respective Parishes (or Missions) thereof had at the commencement of this Act or thereafter respectively become or may become entitled to and the said The Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission) 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 The Church of England Synod of the Diocese of Calgary or the respective Parishes (or Missions) thereof has or had or could or might have exercised and may sell, release, discharge, assign, transfer, convey or dispose of all or any of the 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 the said mortgages, charges, securities and encumbrances in the name of The Church of England Synod of the Diocese of Calgary or the respective Parishes (or Missions) thereof 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 Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission) thereof, as the case may be, 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 Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission) thereof, as the case may be, which shall respectively 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 The Church of England Synod of the Diocese of Calgary or the proper respective Parishes (or Missions) thereof, as the case may be, and The Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission) thereof, as the case may be, is empowered to bring and maintain in its own respective name any actions, suit, appeal or other proceedings, or to exercise any power, remedy or right of distress that The Church of England Synod of the Diocese of Calgary or the respective Parishes (or Missions) thereof 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 Anglican Church of Canada Synod of the Diocese of Calgary

or the proper respective Anglican Church of Canada Parish (or Mission) thereof, as the case may be, 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 The Church of England Synod of the Diocese of Calgary or the respective Parishes (or Missions) thereof, as the case may be, 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 the Church of England Synod of the Diocese of Calgary or of any Parish (or Mission) thereof to The Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission) thereof or of any 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 Anglican Church of Canada Synod of the Diocese of Calgary or the proper respective Anglican Church of Canada Parish (or Mission), as the case may be, nor shall it be necessary in any conveyance, instrument or document whereby The Anglican Church of Canada Synod of the Diocese of Calgary or any Anglican Church of Canada Parish (or Mission) thereof 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 The Church of England Synod of the Diocese of Calgary or any Parish (or Mission) thereof.

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

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend to Ordinance to
Incorporate the Synod of the
Diocese of Calgary and the
Parishes of the said Diocese

Received and read the

First time.....

Second time.....

Third time.....

MR. WATKINS
