

BILL

No. 34 of 1913.

An Act to Incorporate The Ruthenian Greek Catholic Parishes and Missions in the Province of Alberta.

(Assented to 1913)

WHEREAS in the Province of Alberta the Ruthenian Greek Catholic parishes and missions in communion with Rome are included in and form a part of the Diocese of Canada of the Ruthenian Greek Catholic Church, and the property of the said parishes and missions is under the care and management of the bishop of the said diocese;

And whereas the said bishop, wishing to be assisted in the management of the said property, has to that effect prayed for the incorporation of the said parishes and missions;

And whereas it is expedient to grant the said prayer, and to secure thereby to the said parishes and missions the advantages prayed for;

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

1. Any parish or mission of the Ruthenian Greek Catholic Church in communion with Rome shall upon and from the fact of its canonical erection by the bishop or administrator of the diocese of Canada of said church, be and become a body politic and corporate, under the name of the "Ruthenian Greek Catholic Parish of _____" or ("Ruthenian Greek Catholic Mission of _____") according to the name given it at the time of its canonical erection, and shall have perpetual succession and a common seal, and by such name have all the powers and privileges possessed by or given to Corporations under this Act, and under said name may sue and be sued, plead and be impleaded, answer and be answered, in all courts and places whatever.

(2) All such corporations shall be represented by His Lordship the Bishop of the Diocese of Canada of the Ruthenian Greek Catholic Church in communion with Rome, and his successors in office of the same faith and rite, appointed by the Holy Pontiff and persevering in communion with Rome.

(3) The said corporation shall be represented in the event of the death of the bishop, by the administrator of the diocese, and in the event of the absence of the Bishop, by his vicar general or the dean of his clergy, and the priest canonically appointed for the administration of such corporation with power to associate with them for any period of time two other members or representatives of the said corporation.

(4) A certificate in writing signed by the bishop or administrator of the diocese that a parish or mission therein named has been canonically erected under a name therein stated, or that a priest therein named has been canonically appointed for the administration of a corporation therein named, shall be sufficient proof of such facts.

2. Any of the said corporations may purchase, acquire, take, have, hold, receive, possess, retain and enjoy the property real or personal, corporeal or incorporeal whatsoever, and for any or every estate or interest therein whatsoever given, granted, devised or bequeathed to it, or appropriated, purchased or acquired by it, in any manner or way whatsoever, to, for or in favour of the uses and purposes of the corporation, or to, for or in favour of any religious, educational, eleemosynary or other institution established or intended to be established by, under the management of or in connection with the uses or purposes of the corporation.

(2) The annual value of the real estate held by or in trust for any of such corporations shall not exceed five thousand dollars, except in the Cities of Edmonton and Calgary, where the annual value should not exceed ten thousand dollars.

3. Any such corporation may also, with the approval of the bishop or administrator of the diocese, 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.

4. Any such corporation may if deemed expedient from time to time make by-laws not contrary to law, for—

- (a) The administration, management and control of the property, business and other temporal affairs of the corporation;
- (b) The appointment of committees from time to time for the purposes of the corporation, and the calling of meetings of such committees;
- (c) Generally for the carrying out of the objects and purposes of the corporation.

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

5. Any such corporation may from time to time for the purposes of the corporation—

- (a) Borrow money upon the credit of the corporation;
- (b) Limit or increase the amount to be borrowed;
- (c) Make, draw, accept, endorse, or become party to promissory notes and bills of exchange; every such note or bill made, drawn, accepted or endorsed by the party thereto authorized by the by-laws of the corporation and countersigned by the bishop or administrator of the diocese, or by some other person nominated for the purpose by the bishop or administrator, 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 shewn; and it shall not be necessary in any case to have the seal of the corporation affixed to any such note or bill.

6. Immediately upon the canonical erection of any of the said parishes or missions, all the property real and personal held by any persons or corporation in trust for the purposes and benefits of, or to the use of, or given to or for the use of such parish or mission, shall, subject to the trusts, if any, upon which such property is held, henceforth be and become, without the execution or registration of any deed, conveyance or transfer thereof, vested in and held by the corporation of the said parish or mission.

7. Notice in writing on behalf of any of said corporations, signed by the bishop or administrator of the diocese, by the priest canonically appointed for the administration of the corporation, and by the trustees of the corporation, may be given to the proper district registrar that the lands described in the notice are held in trust for the said corporation as mentioned in section 6, and the district registrar shall file the notice in his office and shall enter in the abstract book, or register and certificate of title against the lands or parcel affected a reference to this Act, giving the title, regnal year and chapter number of the same.

(2) Such notice shall be signed in the presence of a subscribing witness and an affidavit of execution by such witness shall be endorsed on or attached to the notice in the form required by "*The Land Titles Act.*"

(3) A certificate in writing signed by the priest canonically appointed for the administration of the corporation, certifying that the parties herein named are the trustees of the corporation, duly elected or appointed, and that such election or appointment has received the written approval of the bishop or administrator of the diocese shall be sufficient proof of such facts.

(4) The giving of such notice and the making of the entry shall have the same effect as the registration of a declaration of trust or the filing of a caveat by the person in whose name the lands are held.

(5) The fee payable upon the filing of the notice and making the necessary entries shall be twenty-five cents for each entry required by this Act in the day book, abstract book, or register and certificate of title.

8. In all cases where the district registrar of any land titles district in Alberta is satisfied that any real estate standing in the names of any individuals actually belongs to any of the corporations formed under the provisions of this Act, he may cancel the certificate of title standing in the names of such individuals, and may issue a certificate of title for said real estate in the name of the corporation entitled thereto.

9. For the purposes of proving the transmission of title to any property aforesaid to any of the said corporations, it shall be sufficient to satisfy the requirements of *The Land Titles Act*, or any other Act of the province affecting the registered title to real or personal property, to recite in any instrument executed on behalf of such corporation and dealing with such property or any interest therein, the title of this Act, and the regnal year and chapter number of the same.

10. Nothing in this Act contained shall affect the right of a *bona fide* purchaser for valuable consideration from any person holding lands in trust as mentioned in section 6, unless such purchaser has actual notice that the lands have become vested in a corporation under and by virtue of this Act, but the entry under subsection (1) of section 7, by the registrar or other officer in the proper day book, abstract book or register and certificate of title shall be deemed actual notice.

11. Any deed, transfer, mortgage, charge or other instrument relating to or dealing with real estate or any interest therein vested in any of the said corporations, shall be deemed to be, and shall be duly executed and shall be sufficient for the purposes for which same is intended if there are affixed thereto, the seal of the corporation and the signature of the bishop or administrator of the diocese or of some other person appointed for the purpose by the bishop or administrator.

12. Each of the said corporations shall at all times when thereunto required by the Lieutenant Governor in Council or the Legislature, 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 Lieutenant Governor in Council or the Legislature may require.

13. No member of any of the said corporations shall become individually responsible for any of the debts, contracts or liabilities of the said corporation.

14. The statutes commonly known as the "Statutes of Mortmain" shall not apply to any bequests of lands, or any interest in lands within Alberta bequeathed to or for the uses or purposes of such corporation.

15. This Act shall come into force the day it is assented to.

No. 34

FOURTH SESSION
SECOND LEGISLATURE

3 GEORGE V
1913

BILL

An Act to Incorporate the Ruthenian
Greek Catholic Parishes and Missions
in the Province of Alberta.

Received and read the

First time

Second time

Third time.....

MR. P. E. LESSARD

EDMONTON :
J. W. JEFFERY, Government Printer
A.D. 1913