

BILL

No. 13 of 1914.

An Act to incorporate the Synod of the Diocese of Athabasca and the Parishes of the said Diocese.

(Assented to _____, 1914.)

WHEREAS the Right Reverend Edwin F. Robins, D.D., Bishop of the Diocese of Athabasca of the Church of England in Canada, has petitioned that the synod of the said diocese and each of the duly organized parishes in the said diocese, be incorporated; and it is expedient to grant the prayer of its petition;

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

1. In this Act the words "The Synod of the Diocese of Athabasca" shall mean the body consisting of the bishop of the Diocese of Athabasca, of the clergy of the said diocese licensed by the bishop, of the chancellor (if any), of the registrar of the diocese (if any), and of the representatives of the laity duly elected.

2. The synod of the Diocese of Athabasca shall be and the same is hereby made and constituted a body politic and corporate, under the name of the Synod of the Diocese of Athabasca, hereinafter called the corporation.

3. The said corporation shall consist of the bishop of the said diocese and his successors to be from time to time appointed in such manner as is or shall be provided by the Provincial Synod of the said Ecclesiastical Province, and of such other persons as are or may become members of the corporation according to the constitution of the said Diocesan Synod as the same exists at the time of the passing of this Act or as the said constitution may from time to time be altered by the said Provincial Synod, or by the Diocesan Synod, acting with the powers vested in it by the Provincial Synod aforesaid.

4. Such corporation shall have perpetual succession and a common seal, with power to change, alter, break and renew 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 favour 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, institution, college, school, or hospital connected with or intended to be, or which may hereafter be connected with the Church of England in such diocese.

5. The corporation shall in addition to the powers conferred upon it by the next preceding section of this Act and subject to the provisions thereof, have power to sell, convey, exchange, alienate, mortgage, lease, or demise any lands, tenements, and hereditaments held by the said corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding section of this Act or not, and the corporation may also, from time to time invest all or any of its funds and moneys, and all or any funds and personal property which may be vested in, or acquired by the corporation for eleemosynary, ecclesiastical or educational purposes aforesaid, in and upon any mortgage security of lands, tenements, and hereditaments, and in other securities in any part or parts of the Dominion of Canada, and for the purposes of such investment may take, receive, and accept a mortgage or mortgages, or any assignment or assignments thereof in its own corporate name, and shall have and enjoy the same and as large, full and ample powers and rights of sale and foreclosure, action and suit upon and for the purposes of enforcing the covenants, stipulations, conditions and agreements, and all matters and things contained in such mortgages or any of them, and in as ample a manner as if it were a private person able and capable in law; and furthermore may sell, grant, assign and transfer such mortgages or any of them to any person, company or body capable of receiving any assignment thereof, and may release and discharge such mortgages or any of them, either wholly or partly.

6. The said corporation shall, in the case of land held by it, be able to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent, for the purpose of a school, hospital, or other necessary public object.

7. The said corporation may exercise all its powers by and through the executive committee as established by the constitution aforesaid, or such other boards or committees as the said corporation may from time to time appoint by resolution for the management of all or any of the affairs or property of the said corporation, but in accordance only with the trusts relating to any property to which any special trust is attached; the said synod may also appoint a treasurer or treasurers, and make such regulations for the management and administration of its property as it shall see fit. The corporation shall also have the right of appointing any officer or other needful agent or agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.

~~8. The Church of England in all deeds, instruments and documents applying to that part of the Province of Alberta included in the Church of England Diocese of Athabasca, 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 Church of England in the Diocese of Athabasca for self-government under the name of the Church of England in Ruperts Land.

9. Any transfer of real estate or any interest therein vested in the corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the corporation verified by the signatures of the bishop for the time being of the Diocese of Athabasca or his commissary duly appointed, and the secretary of the aforesaid executive committee, and a discharge of a mortgage if executed in the same way, shall be deemed to be properly and effectually executed.

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 Athabasca, shall be a body politic and corporate, and they and their successors, under the name of the Church of England 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 investment in stocks, funds, debentures or other property, they shall first obtain the consent of the Synod of the Diocese of Athabasca, either directly or through its executive committee.

11. All questions relating to the constitution, powers, meetings, and proceedings of vestries, the qualifications, 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 Church of England in the Diocese of Athabasca shall be settled from time to time by the Synod of the Diocese of Athabasca, 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.

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 Church of England parish incorporated under section 10 of this Act 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 churchwardens 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.

~~13. This Act shall be deemed a public Act and shall come into force the day it is assented to.~~

No. 13

SECOND SESSION
THIRD LEGISLATURE
GEORGE V
1914

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An Act to incorporate the Synod of
the Diocese of Athabasca and the
Parishes of the said Diocese.

Received and read the

First time.

Second time.

Third time.

EDMONTON:
J. W. JEFFERY, Government Printer
A.D. 1914