

# BILL

No. 7 of 1924.

An Act respecting the Union of certain Churches.

(Assented to \_\_\_\_\_, 1924.)

**W**HEREAS The Presbyterian Church in Canada, The Preamble  
Methodist Church and The Congregational Churches  
of Canada have by their petition represented that they have  
agreed to unite and form one body or denomination of  
Christians under the name of "The United Church of Can-  
ada," in accordance with the terms and provisions of a  
Basis of Union agreed upon by them, and that they have  
petitioned the Parliament of Canada for an Act to incor-  
porate the Church to be formed by the said Union under  
the name "The United Church of Canada";

And whereas the petitioners have prayed that an Act be  
passed by the Legislature of this Province to enact as here-  
inafter set forth with regard to the property, rights and  
powers hereinafter mentioned;

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

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

**1.** This Act may be cited as "*The United Church of* Short title  
*Canada Act.*"

**2.** In this Act, unless the context otherwise requires, Definitions  
the expression,—

(a) "The negotiating churches" means the churches The  
mentioned in the preamble, and shall include also negotiating  
every congregation heretofore in connection or in churches  
communion with any of the negotiating churches  
which, prior to the coming into force of this section,  
has joined with any one or more congregation or con-  
gregations of any of the other negotiating churches  
for the purposes of worship, and every congrega-  
tion affiliated with any of the negotiating churches,  
whether it hold its property separately from or as  
a part of any of the negotiating churches, and every  
congregation having any representation in or con-  
nection with the general council of local union  
churches;

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| The Basis<br>of Union                      | (b) "The Basis of Union" means the Basis of Union mentioned in the preamble and to be set forth in schedule A to the Act of the Parliament of Canada by which The United Church of Canada shall be incorporated;   |
| Congregation                               | (c) "Congregation" means any local church, charge, circuit, congregation, preaching station or other local unit for purposes of worship in connection or in communion with any of the negotiating churches or of The United Church of Canada;  |
| College                                    | (d) "College" means any college, school or other educational institution, incorporated or unincorporated, under the government or control of, or in connection with, any of the negotiating churches, or established or maintained in whole or in part by any of them, and shall include the colleges and institutions set out in schedule B to this Act;  |
| The<br>Presbyterian<br>Church in<br>Canada | (e) "The Presbyterian Church in Canada" shall include the Board of Trustees of The Presbyterian Church in Canada, The Church and Manse Board of The Presbyterian Church in Canada, The Board for the Management of the Temporalities Fund of The Presbyterian Church of Canada, The Managers of the Ministers, Widows and Orphans' Fund of the Synod of The Presbyterian Church of Canada in connection with The Church of Scotland and all Presbyterian congregations separately incorporated under any Statute of the Dominion of Canada, or of this Province and all congregations heretofore and now connected or in communion with The Presbyterian Church in Canada however organized;<br>(To be amended to include names of any additional corporations submitted by the Presbyterian Committee on Church Union.) |
| The<br>Methodist<br>Church                 | (f) "The Methodist Church" shall include the body corporate known as The Methodist Church and all bodies corporate established or created by The Methodist Church or any conference thereof under the provisions of any Statute of the Parliament of Canada or the Legislature of this Province;<br>(To be amended to include names of any additional corporations submitted by the Methodist Committee on Church Union.)  |
| Congrega-<br>tional<br>Churches            | (g) "The Congregational Churches" shall include the Congregational Union of Canada, The Canada Congregational Missionary Society, The Canada Congregational Foreign Missionary Society, The Congregational Provident Fund Society, The Congregational Church Extension Society of Western Canada, and all congregations of the Congregational denomination which are represented by the Congregational   |

Union of Canada for the purposes of this legislation, whether the same are separately incorporated under any statute of the Dominion of Canada or of any Province thereof, or have been organized under the provisions of any statute or deed of trust, or as union or as joint stock churches, or otherwise howsoever;

(To be amended to include names of any additional corporations submitted by the Congregational Committee on Church Union.)

- (h) "The United Church" means "The United Church of Canada"; The United Church
- (i) "The Act of Incorporation" means the Act of Parliament of Canada by which The United Church shall be incorporated; The Act of Incorporation
- (j) Where the context admits thereof the word "property" shall include any debt and any thing in action and any right or interest. Property

**3.** Save as hereinafter provided, all property, real and personal, within this Province, belonging to or held in trust for or to the use of The Presbyterian Church in Canada, The Methodist Church and The Congregational Churches, or belonging to or held in trust for or to the use of any corporation, board, committee or other body, whether incorporated or unincorporated, created by or under the government or control of, or in connection with, any of the said churches, shall upon the coming into force of this section, be vested in The United Church, to be held, used and administered, subject to the provisions of this Act, in accordance with the terms and provisions of the Basis of Union. General property vested in The United Church

**4.** Subject to the provisions of section 6 hereof, all property, real and personal, within this Province, belonging to or held by or in trust for or to the use of any congregation of any of the negotiating churches, shall, from and after the coming into force of this section, be held, used and administered for the benefit of the same congregation as a part of The United Church in the manner and upon the trusts and subject to the terms and provisions set forth in schedule A to this Act and schedule B to the Act of Incorporation, or in any amendment to said schedule B made by any Act of the Parliament of Canada, and all property, real and personal, within this Province thereafter acquired for or belonging to or held by or in trust for or to the use of any congregation of The United Church shall be held, used and administered for the benefit of the said congregation as a part of The United Church upon the said trusts and subject to the said terms and provisions. Provided, that any property, real or personal, held at the time of the coming into force of this section or thereafter acquired by devise, Property of congregations

bequest, transfer or gift, in trust for any special use of any congregation, shall be held, used and administered in accordance with the special trusts so declared in respect thereof, not being contrary to law or to any by-law, rule or regulation of The United Church, and that in the event of failure or partial failure of any of the said trusts, the said property, in the absence of any express provision for such event, may be held, used, administered or disposed of as may be provided by any by-law, rule or regulation made from time to time by The United Church.

Short form  
of trust  
deed

**5.** In any deed, conveyance or transfer to trustees upon the trusts set forth in said schedule A, the form of words contained in column 1 of said schedule A and distinguished by any number therein, shall have the same effect as if it contained the form of words in column 2 of said schedule A, distinguished by the same number as is annexed to the form of words used in such deed, conveyance or transfer, but it shall not be necessary in any such deed, conveyance or transfer to insert any such number.

Special  
property  
of certain  
congregations

**6.** Any real or personal property belonging to or held by or in trust for or to the use of any congregation, whether a congregation of the negotiating churches or a congregation received into The United Church, after the coming into force of this section, solely for its own benefit, and in which the denomination to which such congregation belongs has no right or interest, reversionary or otherwise, shall not be subject to the provisions of sections 3 and 4 hereof, or to the control of The United Church, unless and until any such congregation at a meeting thereof regularly called for the purpose shall consent that such provisions shall apply to any such property or a specified part thereof.

Existing  
trustees  
continued

**7.** All trustees acting in any trust for or to the use of any congregation as first referred to in section 4 hereof shall, notwithstanding any irregularity in their appointment, and notwithstanding that their number shall not correspond with the number named in the deed of conveyance of the property subject to such trusts, or any of them, be deemed to be and shall be the trustees of the said properties respectively, and shall henceforth hold the same upon and subject to the trusts set out in schedule A to this Act and in schedule B to the Act of Incorporation and any amendment of said schedule B made by any Act of the Parliament of Canada.

Property of  
non-  
concurring  
congregations

**8.—(1)** Provided always, that if any congregation in connection or communion with any of the negotiating churches shall, at a meeting of the congregation regularly called and held within six months after the coming into force of this section, decide by a majority of votes of the persons present at such meeting and entitled to vote thereat,

not to concur in the said union of the said churches, then and in such case the property, real and personal, belonging to or held in trust for or to the use of such non-concurring congregation shall be held by the existing trustees, or other trustees elected by the congregation, for the sole benefit of said congregation. Should such congregation decide in the manner aforesaid at any later time to enter the union and become part of The United Church, then this Act shall apply to the congregation and all the property thereof from the date of such decision.

(2) The persons entitled to vote under the provisions of the first clause of this section and of section 6 shall be only those persons who are in full membership and whose names are on the roll of the church at the time of the coming into force of this section.

(3) "Congregation" in this section means a local church as mentioned in the Basis of Union.

**9.—**(1) Any commission appointed as provided by the Act of Incorporation shall have and may exercise within this Province all powers, rights and privileges conferred or intended to be conferred upon it by the Act of Incorporation, and any determination, decision, order or direction made or given by any such commission pursuant to the said Act of Incorporation shall have full force and effect with respect to any property or civil rights within this Province affected thereby. Powers of  
commission  
in the  
province

(2) Any determination, decision or order made by the commission may be made a rule, order or decree of the Supreme Court of this Province, and shall be enforced in like manner as any rule, order or decree of such Court. To make such determination, decision or order a rule, order or decree of such Court, the usual practice and procedure of the Court in such matters may be followed, and a copy of any such determination, decision or order, certified under the hand of the chairman or acting chairman of the commission, and verified by affidavit or statutory declaration of a witness thereto, shall be sufficient evidence of the due making and validity of any such determination, decision or order. Enforcement  
of orders

**10.—**(1) All property belonging to or held by or in trust for or to the use of any congregation of the negotiating churches henceforth to be held, used and administered for the benefit of the same congregation as a part of The United Church, shall remain liable for the payment or satisfaction of any debts or obligations contracted or incurred in respect thereto to the same extent as it would have been liable had this Act not been passed, but The United Church shall not be or become liable for any of said debts or obligations, and, save as aforesaid, no property of The United Church shall Liability for  
congrega-  
tional debts

be liable for any debts or obligations contracted or incurred by any congregation in connection or in communion with any of the negotiating churches.

Liability for  
denomina-  
tional debts

(2) Upon the vesting of the property of the negotiating churches (or of any corporation, board, committee or other body whether incorporated or unincorporated, created by or under the government or control of or connected with any of the negotiating churches pursuant to the provisions of section 3 hereof) The United Church shall become liable for all their respective debts and obligations, provided, however, that this subsection shall not be deemed to include or apply to any of the property first mentioned in the next preceding subsection.

Colleges

**11.** The provisions of section 3 hereof shall not apply to any property, real or personal, belonging to or held in trust for or to the use of any college named in schedule B to this Act, or belonging to or held by or vested in any board of trustees, board of directors, board of governors, regents, or other board or committee or body having the control or management of the property or affairs of any college named in said schedule B. From and after the coming into force of this section, the colleges named in said schedule B and all such boards, regents or other committees or bodies as aforesaid shall have the same connection with and stand in the same relation to The United Church as they respectively had and stood with and to any of the negotiating churches immediately prior to the passing of the Act of Incorporation, and all rights, powers, authorities and privileges in respect of the said colleges, or any of them, of or vested in any assembly, conference, synod, presbytery, council or other governing body of any of the negotiating churches or any officer or board thereof, shall be vested in the General Council of The United Church, provided that the General Council may declare that the said rights, powers, authorities and privileges, or any of them, shall be vested in a conference, presbytery or other governing body of The United Church, or otherwise, as it may deem expedient, and from and after such declaration such rights, powers, authorities and privileges, or any of them, shall vest in accordance with the terms of such declaration. In all cases where a college corporation consists of the ministers and members, or the members, or any officers of any of the negotiating churches, or of any governing body thereof (whether with or without named persons) such corporation shall after the coming into force of this section consist of the ministers and members of The United Church. All rights, powers, authorities and privileges in respect of the said colleges vested in any congregation in connection or in communion with any of the negotiating churches, or in any minister and congregation thereof, shall continue to be held and exercised by the said congregation or by the said minister and con-

gregation in connection with The United Church. Nothing in this section contained shall be construed so as in any wise to repeal, alter, affect or vary any existing legislation of this Province relating to any of the said colleges except in so far as may be necessary to give full force and effect to the provisions of the Act of Incorporation and of this Act.

**12.** Notwithstanding anything contained in any Act of the Parliament of Canada or of the Legislature of this Province, or in any Act, by-law, rule, regulation, declaration or other proceeding of any of the negotiating churches, or of any governing or subordinate court or body of any of them, or in the constitution, by-laws, rules or regulations of or in relation to any of the said colleges, respecting the principles, doctrines, or religious standards to be taught and maintained in any such college, from and after the coming into force of this section, the colleges shall, in respect of the principles, doctrines and religious standards to be taught and maintained therein, be subject to the direction and control of the General Council of The United Church and the teaching or maintenance hereafter in any of the colleges of the principles, doctrines or religious standards set out in the Basis of Union or hereafter determined or prescribed from time to time by the General Council of The United Church in accordance with the Act of Incorporation shall not be deemed to be a change of adherence on the part of any such college or a change of its principles or doctrines or religious standards or a breach of the provisions of any statute, Act, by-law, rule, regulation, declaration or other proceeding, or constitution, and shall not be deemed to be a breach of any trust relating to property devised, bequeathed, given to or otherwise acquired by or for the benefit of any such college with respect to the teaching or maintenance of any principles, doctrines or religious standards in any of the said colleges, but shall be deemed to be in compliance with and a performance of any such provisions or trusts.

**13.** Where, prior to the coming into force of this section, any existing trust has been created or declared in any manner whatsoever for any special purpose or object having regard to the teaching, preaching or maintenance of any principles, doctrines or religious standards, or the support, assistance or maintenance of any congregation or minister or charity, or for the furtherance of any religious, charitable, educational, congregation or social purpose, in connection with any of the negotiating churches, such trust shall continue or exist and to be performed as nearly as may be for the like purposes or objects in connection with The United Church as The United Church may determine, and anything done in pursuance of the Act of Incorporation or of this Act shall not be deemed to be a breach of any such trust, but shall be deemed to be in compliance therewith and a per-

Religious  
teaching in  
colleges

Existing trusts  
continued

formance thereof, and the entry of any congregation into The United Church shall not be deemed a change of its adherence or principles or doctrines or religious standards within the meaning of any such trust.

Establishment  
of Boards and  
committees

**14.—(1)** The United Church may by resolution of the General Council establish boards or committees of its members to hold, manage, deal with, dispose of or otherwise administer any of its property, funds, trusts, interests, institutions and religious or charitable schemes now or hereafter owned, founded or established, define and prescribe the constitution, powers, duties, officers and quorum of any such board or committee, and delegate to any of them such powers as it may deem expedient.

Establishment  
of boards and  
committees as  
bodies  
corporate

**(2)** Whenever it is deemed expedient to establish as a body corporate any board, committee or other body for any of the purposes of The United Church relating to property or civil rights in this Province, The United Church may establish by resolution of the General Council, or may authorize and empower any conference to establish by resolution of such conference, any such boards, committees or other bodies, including city mission boards and church extension boards, in accordance with the by-laws, rules and regulations of The United Church in that behalf, and if any such resolution declares such board, committee or other body to be a body corporate then, upon the filing of the certificate or certificates in this section hereinafter mentioned, the same shall be and become a body corporate with such membership, organization, powers, rights and duties not contrary to law or inconsistent with the Act of Incorporation as may be defined from time to time by the General Council, or such Conference, as the case may be, including the acquiring, holding, administering and disposing of all property, real or personal (but when established by resolution of a Conference then only within the bounds of such conference), which may be devised, bequeathed, granted or conveyed to any such board, committee or other body for the purposes of The United Church, and the borrowing of any money necessary in the opinion of such board, committee or body for the purposes thereof, and the mortgaging, hypothecating or pledging of so much of the real or personal property held by any such board, committee or body as may be necessary to secure any amount so borrowed. In case such board, committee or other body is established by resolution of the General Council, the General Council shall file a certified copy of such resolution under the hand of its presiding officer and its secretary or clerk with the Secretary of State for Canada, and in case such board, committee or other body is established by resolution of any conference the bounds of which are wholly or partly within this Province, such conference shall file a certified copy of such resolution under the hand of its presiding officer and its secretary or clerk



with the Provincial Secretary. A certificate under the official seal of the General Council, or of the conference by which any such board, committee or body is established, as the case may be, signed by its secretary or clerk shall be sufficient evidence in all Courts of the establishment of such board, committee or body and of its constitution and powers.

**15.** The United Church shall have power to acquire by purchase, lease, gift, devise or bequest any real or personal property in this Province, or any estate or interest therein, either absolutely or in trust, and subject to the provisions of sections 4 and 6 of this Act, to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise dispose of the same or any part thereof, and to give, grant, convey, lease or otherwise alienate any property, real or personal, in this Province to any other church or religious body or organization, or to any board, committee, trustees or governing body thereof as it may deem expedient in pursuance of any agreement or understanding with such church or religious body or organization for the purpose of co-operation in the prosecution of religious work: Power to acquire and dispose of property

Provided always that no land at any time acquired by The United Church, and not required for its actual use and occupation, or by way of security, for the payment of any loan, debt or guarantee, shall be held by it, or by any trustee on its behalf, for a longer period than ten years after it shall have ceased to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property. Proviso.

**16.** The United Church may exercise the powers conferred by the next preceding section of this Act, or any of them, by and through such boards, committees or other bodies as the General Council or any conference or any presbytery acting within their respective jurisdictions under the provisions of the Basis of Union may from time to time establish or appoint and may determine the method of appointment or election thereof and may define and prescribe the constitution, powers, duties, officers and quorum of such boards, committees or other bodies. Appointment of subordinate bodies

**17.** The United Church and all boards, committees or other bodies established, appointed or created by it pursuant to the provisions of the Act of Incorporation or of any Act in amendment thereof passed by the Parliament of Canada, or of this Act, shall have and may exercise within this Province all rights, powers and privileges conferred or intended to be conferred upon it or them by such Acts or any of them. Exercise of powers within the province

**18.** The provision in the Basis of Union that the approval of the conference in which property is situated is required Approval of conference required in certain cases

to enable the General Council to legislate in respect thereof shall be deemed to apply only to such property as belongs to or is held in trust for or to the use of a congregation or as belongs to or is held in trust for or is set apart for or used for the purposes of such conference.

Issue of  
debentures

**19.** The United Church, and any board or committee thereof or appointed thereby or by any conference thereof, having charge of any of the funds or property of The United Church, and the trustees of any congregation of The United Church in this Province, provided that such trustees first obtain the consent in writing of the Presbytery within the bounds of which the lands of such congregation are situate, may issue debentures in such denominations and upon such terms as it or they may deem expedient, under the hand or hands of such officer or officers as may be thereto authorized and the seal (if any) of such United Church, board, committee or trustees issuing the same, for any money borrowed under the authority of this Act, and the payment of such debentures and the interest thereon may be secured by mortgage in favor of a trustee or trustees for the holders of such debentures upon any real estate in this Province under the control of The United Church or of such board or committee thereof or of the trustees of such congregation.

New  
certificates  
of title in  
name of  
trustees

**20.—(1)** When any registrar or any land titles office in this Province is satisfied by any evidence he may require that any real property standing in the name of any individual or individuals, whether such persons or any of them be deceased or not, actually belongs to or is held in trust for or to the use of any congregation upon the trusts mentioned in section 4 of this Act, he may cancel the certificate of title standing in the name or names of such individual or individuals and may issue a new certificate of title for said real property in the names of the then trustees of such congregation, to be held in accordance with the provisions of the said section. A certificate of the secretary or clerk of the presbytery within the bounds of which such property is situate, together with a certificate of the minister in charge of such congregation to the effect that such property belongs to or is held in trust for or to the use of such congregation, shall be accepted by such registrar as conclusive evidence.

Deeds and  
other  
assurances  
by trustees  
validated

**(2)** All deeds, transfers, mortgages, leases or other assurances of any lands in this Province heretofore or hereafter executed and purporting to be signed by the trustees of any congregation in section 4 mentioned, or a majority of them, shall be in all courts in this Province, and in all land titles offices in this Province, deemed sufficiently executed to pass or grant or mortgage or lease (as the case may be) the estate or interest thereby purported to be passed, granted, mortgaged or leased;

Provided that the minister in charge of such congregation shall by affidavit certify that the persons executing such

instruments were at the date thereof trustees for said congregation, and in the absence or want of appointment or inability to act of any minister, such certificate may with like effect be granted by the presiding officer, secretary or clerk of the Presbytery within the bounds of which the said lands are situate. The signature of the said minister or presiding officer or secretary or clerk shall be duly witnessed and verified by affidavit in the same manner as required by *The Land Titles Act*;

Provided further that nothing in this section contained shall be construed to dispense with the consent of the Presbytery or Conference, as the case may be, required by any term or provision set forth in schedule A to this Act with respect to any sale, mortgage, lease or exchange of lands by such trustees.

(3) It shall not be necessary to set out the said trusts in any transfer or in any certificate of title in respect of said lands, provided, however, that the registrar shall, upon receiving notice from the presiding officer, secretary or clerk of the Presbytery within the bounds of which the said lands may be situate, that such lands are affected by this Act, enter a note or memorandum giving the title and chapter of the Act of Incorporation and of this Act and the respective dates of the passing thereof upon the record of title of each lot and parcel of land affected thereby and stating that such lands are subject to the said trusts, and shall on each certificate of title thereafter issued by him with respect to the said lands, enter a note or memorandum to the effect that the property therein described is subject to the trusts created by the said Act.

**21.** The provisions of this Act shall not be repealed, altered, affected or varied by any of the provisions of any General Act respecting the property of religious societies, congregations or institutions in force in this Province, but the provisions of any such General Act shall, when not inconsistent with the provisions of this Act, be construed as supplementary thereto.

**22.** The power conferred upon The United Church by the Act of Incorporation or by this Act to acquire by gift, devise or bequest any real or personal property shall not be limited or affected by any Statute or Statutes of Mortmain in force in this Province.

**23.** All acts or things done by or under the authority of the General Council of The United Church at the first meeting thereof held pursuant to the Act of Incorporation, or any adjournment of such meeting, shall, within this Province, be valid and binding to the extent provided in the Act of Incorporation.

**24.** So far as the Legislature of this Province has power to enact, and notwithstanding anything in the Act of Incorporation, or in this Act contained,—

- (a) The General Assembly of the Presbyterian Church in Canada, The General Conference of the Methodist Church, and The Congregational Union of Canada, shall continue to have, exercise and enjoy all their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed, until the first meeting of the General Council;
- (b) All synods and Presbyteries of The Presbyterian Church in Canada, all conferences and district meetings of The Methodist Church and all associations of The Congregational Churches of Canada and all other courts or governing bodies of any of the negotiating churches, shall continue to have, exercise and enjoy all or any of their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed until such time or times as The United Church by its General Council shall declare that the said powers, rights, authorities and privileges, or any of them, shall cease and determine;
- (c) Every corporation, board, committee and other body, whether incorporated or unincorporated, created by or under the government or control of or in connection with any of the negotiating churches shall continue to have, exercise and enjoy all their respective powers, rights, authorities and privileges in the same manner and to the same extent as if this Act had not been passed, until such time or times as The United Church, by its General Council, or otherwise, shall declare that the said powers, rights, authorities and privileges, or any of them, shall cease or determine or be modified or altered as set out in such declaration and thereupon such powers, rights, authorities and privileges, or any of them, shall cease or determine or be modified or altered, as the case may be, in accordance with the terms of such declaration or declarations from time to time made.

Interim  
exercise of  
powers

Resolutions  
of General  
Council

**25.** All resolutions passed by the General Council shall have the force and effect of by-laws, and no formal by-law shall be required for the purpose of managing the affairs of The United Church.

Copies of  
certain  
documents  
to be  
evidence

**26.** All copies of The Basis of Union and of any by-laws, resolutions, rules or regulations in this Act referred to, or of any amendment or alteration thereof purporting to be

published under the direction or authority of the General Council of The United Church, or a copy of any by-law, resolution, rule or regulation of the General Council purporting to be under the seal of The United Church and to be signed by the secretary, shall be *prima facie* evidence in all courts of the contents thereof without proof of the authenticity of such seal or signature.

**27.** So far as the Legislature of this Province has power to enact, the Basis of Union is hereby ratified and confirmed, and in so far as the terms and provisions thereof are not inconsistent with the provisions of this Act, they shall have the same force and effect as if expressly set out herein.

Basis of  
Union ratified  
and confirmed

**28.** The provisions of the Act of Incorporation shall have full force and effect with respect to any property or civil rights within this Province.

Act of  
incorporation

**29.** All Acts and portions of Acts of the Legislature of this Province inconsistent with the provisions of this Act are hereby repealed in so far as may be necessary to give full effect to this Act.

Repeal of  
inconsistent  
enactments

**30.** This Act shall come into force on the day upon which The United Church shall be incorporated by Act of the Parliament of Canada, provided that the said date in respect of the whole of this Act or any section or sections thereof may be altered to such date or dates as shall be fixed by proclamation of the Lieutenant Governor in Council to be made upon the request in writing of the Sub-Committee on Law and Legislation of the Joint Committee on Church Union, to be evidenced by the hands of its chairman and secretary.

Commence-  
ment of Act

## SCHEDULE A.

### TRUSTS OF MODEL DEED.

And it is hereby declared that the said trustees and their successors or the trustee or trustees for the time being acting in the trusts herein shall hold the said lands upon the following trusts:

1. For the use and benefit of the said church, charge, circuit, preaching station or congregation, as the case may be (hereinafter called the congregation) as part of The United Church of Canada, as well for the site of a church, chapel, meeting-house, school, manse, parsonage, or minister's dwelling or other place for religious, charitable, educational, congregational or social purposes, glebe or burial ground, as

1. Upon trust  
to use the trust  
property for  
purposes  
directed by  
congregation  
and  
maintenance  
of public  
worship

the said congregation may direct, as for the support and maintenance of public worship, and the propagation of Christian knowledge, according to the doctrine, discipline, by-laws, rules and regulations of The United Church of Canada.

2. To erect  
and repair  
buildings

2. And upon further trust, out of all moneys received by them for that purpose, to build, erect, add to, alter, repair, enlarge, or rebuild any of the buildings aforesaid from time to time as they may deem expedient, and where they deem it necessary, to take down and remove any of said buildings for any of the purposes aforesaid.

3. To obey all  
lawful orders  
and directions

3. And upon further trust, that they shall and will obey, perform and fulfil and suffer to be obeyed, performed and fulfilled with respect to the said lands, and to any building or buildings at any time thereon, or to any burial ground, the lawful orders and directions respectively of the official board of the said congregation, the presbytery and conference respectively within whose bounds and under whose ecclesiastical jurisdiction the said congregation shall from time to time be, and of the General Council of The United Church of Canada.

4. To permit  
use of the  
trust property  
for church,  
manse and  
Sunday school  
purposes

4. And upon further trust to permit, in conformity with the doctrines, discipline, by-laws and regulations of The United Church of Canada and not otherwise, the following:

- (a) The use of the said church, chapel or meeting-house, as a place of religious worship by a congregation of The United Church of Canada and for meetings or services of religious or spiritual character or such benevolent or congregational purposes as may be approved by the session of such congregation, and the conduct of public worship, and the various services and ordinances of religious worship therein by the minister of the said congregation or, with the approval of the session or of the said minister, by any other minister of The United Church of Canada or by any minister of any other religious denomination.
- (b) The performance of burial services in any burial ground or cemetery belonging to or under the control of the congregation;
- (c) The use of the manse, parsonage, or minister's dwelling or dwellings with the appurtenances thereof by the minister or ministers of the congregation free from payment of any rent;
- (d) The use of any church, chapel, meeting-house, school or other building for the purposes of a Sunday school at such hours and times as will not interfere with public worship; and

- (e) The use of any buildings erected upon the said lands, other than a church, chapel, meeting-house, for such purposes as may from time to time be approved by the session of the congregation.

5. And upon further trust to let any pews and seats at a reasonable rent, if so authorized by the official board of the congregation, with power to delegate any such letting to any person or persons, whom they may appoint for that purpose; to let any buildings, not required for purposes of worship, at a reasonable rent; and if there shall be a burial ground or cemetery, to sell or let vaults, tombs or burial plots at a reasonable price or rent; and to account for and pay all moneys received in respect of any such letting or sale, less any expense incurred in the execution of these trusts to the treasurer of the congregation or should there be no treasurer, then to the committee of stewards of the congregation, or such person as shall be designated by the said committee for the purpose of receiving the same. In case the trustees are of the opinion that any manse, parsonage or minister's dwelling is not required for the use of the minister or ministers of the congregation, or is not desirable for the use of such minister or ministers, they may with the consent in writing of said minister or ministers, let the same and use and apply the rent derived therefrom towards paying the board and lodging of such minister or ministers or the rent for a more suitable and convenient residence for such minister or ministers.

5. To let and sell pews and burial plots and to let manse

6. The trustees or a majority of them may, but only with the consent in writing of the presbytery within the bounds of which the lands are situate (such consent to be under the hand of the presiding officer or secretary or clerk thereof), sell the said lands or any part thereof either by public sale or private contract and either for cash or upon credit and upon such terms as to price and for such price, and upon such terms as to payment or otherwise as they may deem expedient; mortgage, hypothecate or exchange the said lands or any part thereof; let any church, chapel or meeting-house upon the same for such rent and upon such terms as they may deem expedient; and make all such conveyances, mortgages, leases and assurances as may be required to complete any such sale, mortgage, hypothecation, exchanging or lease. The said trustees after first paying or otherwise providing for all indebtedness of the trustees shall apply the moneys arising from such sale, mortgage, hypothecation, lease or exchange for the purposes of such congregation as the official board thereof shall direct, but should such congregation cease to exist as an organized body, such proceeds, less any expense incurred in the execution of these trusts, shall be paid to The United Church of Canada to be applied for such purposes for the benefit of The United Church of Canada as the conference within the bounds of which the

6. The trustees shall have power to sell, mortgage, exchange or lease the trust property with consent of the Presbytery

said lands are situate may determine under the by-laws, rules and regulations of the General Council. Every application by trustees for the consent of a presbytery as aforesaid shall be in writing and shall state the purpose for which the moneys arising from such intended sale, mortgage, hypothecation, lease, or exchange will be applied. Any decision of presbytery with regard to the sale, mortgage, hypothecation, lease or exchange of the said lands or any part thereof shall be subject to appeal to the conference within the bounds of which the said lands are situate, at the instance of not fewer than any five members of the congregation affected thereby. In every case where the consent of such presbytery or conference has been obtained as aforesaid it shall not be incumbent upon the purchaser, mortgagee or lessee of the said lands or of any part thereof to enquire into the necessity, expediency or propriety of any such sale, mortgage, hypothecation, lease or exchange, or to see to the application of the moneys paid to the trustees. A certificate of the secretary or clerk of any presbytery or conference that any such consent has been given shall be sufficient and conclusive evidence of such consent.

7. The trustees shall keep proper accounts and minutes

7. The said trustees shall keep a proper book or books of account showing all moneys received and disbursed by them, and a book or books of minutes showing correctly all minutes of their meetings and of resolutions passed and proceedings taken thereat, and such book or books shall at all reasonable times be open for inspection by the minister in charge of the congregation and by the chairman of the committee of stewards, and any person or persons named by them or either of them, and the said minister or the said chairman and any person named by them or either of them as aforesaid shall have the right to make such copies or abstracts of or extracts from the said accounts or minutes, as he or they may desire, and upon request from the committee of stewards the trustees shall submit all books of accounts and minutes, and all vouchers, receipts, papers and documents relating to the said accounts, for audit by the committee of stewards, or such person or persons as the said committee may appoint for the purpose.

8. The trustees shall have seven days' notice of all special meetings and one day's notice of other meetings

8. Every meeting of trustees for considering the making of any alteration of or addition to any building on the said lands, or any part thereof, or for considering the sale, mortgage, hypothecation, lease or exchange of the said lands, or any part thereof, except the letting or sale of pews, seats, vaults, tombs or burial plots, or for considering any litigation or legal proceedings in connection with the trust estate, shall be deemed a special meeting, and each member shall be entitled to seven days' notice in writing thereof, specifying the time, place and purpose of such meeting. Such notice shall be either personally delivered to each trustee, or mailed



to or delivered to him or her at his or her usual place of abode or business. Ordinary meetings may be called at any time by giving at least one day's notice in writing to each trustee in the manner aforesaid, or by public announcement at a service for public worship at least one day prior to such meeting. Meetings may be called by the minister in charge of the congregation, or by at least two of the trustees. Notwithstanding anything herein contained no meeting or any business transacted thereat shall be invalid by reason of any lack or defect of service of notice arising from inability to ascertain the usual place of abode or business of any trustee. All questions shall be determined by the majority vote of the trustees present at a meeting and the chairman shall have a casting vote in the event of a tie. The minister of such congregation shall have the right to preside as chairman at all meetings of the trustees and may appoint a deputy to act in his place in his absence, and in the absence of the minister and of any such deputy the trustees present may elect a chairman from among themselves.

9. The number of the said trustees shall not be fewer than three nor more than fifteen, provided that where the number of existing trustees is more than fifteen all such trustees shall remain in office, but that no vacancy in the office of trustee shall be filled until the number of trustees is reduced below fifteen, in which case the number shall not again exceed fifteen. In case any of the said trustees or any trustee appointed under this provision shall, during his or her term of office, die, resign or, having been, cease to be a member of The United Church of Canada in full communion, or remove to such a distance, or fail to attend meetings for such period not less than one year, as shall in the opinion of his or her co-trustees expressed by a two-thirds vote of said co-trustees, render it inexpedient for him or her to remain a trustee, or in case the said congregation shall think proper to remove a trustee from his or her office as trustee, it shall be lawful for the said congregation, at any meeting called by notice from the pulpit during public worship on each of the two next preceding Sundays on which public worship is held, to declare by the votes of two-thirds of the members then present that such trustee has ceased to be a trustee of the said congregation, and such person shall thereupon cease to be a trustee, and at the same meeting it shall be lawful for the said congregation by a like vote to appoint a successor to such trustee, provided, however, that no trustee who is personally liable for payment of any indebtedness in respect of the property of a congregation shall be removed without his consent unless indemnified to his satisfaction in respect of any such liability and unless at least eight days' notice in writing of such meeting shall have been mailed to each of the trustees at his or her last known address, which notice shall state the business to be transacted at such meeting. If no successor shall be appointed at such meeting a

9. The number of trustees shall not be fewer than three nor more than fifteen and vacancies shall be filled by election by the congregation or in default of such election by the presbytery and the property of a congregation which ceases to exist shall be subject to the trusts determined by the conference

meeting may be called in like manner for the purpose of filling such vacancy, and at such meeting a new trustee or new trustees (as the case may require) shall be appointed by the votes of the majority of the members then present. The notice calling a meeting for the purpose of declaring or filling a vacancy or vacancies in the office of trustee shall be read from the pulpit by the minister or person officiating as minister, at the request of any trustee, or of any seven members of the congregation, and every such meeting may be adjourned from time to time by the vote of the majority of the members present. During any vacancy in the office of trustee, the remaining trustees, not being fewer than three in number, shall have all the powers of the full board. A majority of the trustees shall form a quorum, save when the number of trustees exceeds nine, in which case five shall form a quorum. The majority of the trustees shall be members of The United Church of Canada.

A minute of every such appointment of a trustee shall be entered in a book to be kept for the purpose, and signed by the person presiding at the meeting, and such minute so signed shall be sufficient evidence of the fact that the person or persons therein named was or were appointed and elected at such meeting, but any omission or neglect to make or sign such minute shall not invalidate such appointment or election.

And it is hereby further declared that in case there shall be at any time fewer than three trustees, the presiding officer or clerk of the presbytery within whose bounds and under whose jurisdiction the said congregation shall be, shall with the remaining trustee or trustees, be the trustees under these presents until the full board is duly appointed, and at any time thereafter the presbytery may cause notice to be given from the pulpit on two consecutive Sundays requiring the said congregation to proceed with the appointment of new trustees. And if the said congregation shall not in the meantime have appointed new trustees in the manner hereinbefore provided, it shall be lawful for the said presbytery at any time after four weeks from the last giving of such notice, by resolution duly entered in the minutes of the presbytery, to appoint new trustees. Such appointment shall be communicated to the congregation by notice from the pulpit as soon as conveniently may be thereafter, and from the time of such communication the trustee or trustees so appointed shall be a trustee or trustees hereunder.

And it is further declared that if at any time there shall cease to be an organization entitled to the use, benefit and enjoyment of the said lands, it shall be lawful at any time or times for the said presbytery to fill any vacancy in the number of trustees, and the said lands shall henceforth be held subject to such trusts and for such purposes for the benefit of The United Church of Canada as the conference within

the bounds of which the said lands are situate may determine under the by-laws, rules and regulations of the General Council.

10. A trustee shall not be responsible for the failure of any investment or security made or taken by the trustees or for anything done in connection with the trust estate except for his own acts and to account for any moneys coming into his own hands, and shall not be liable for injury done by others to the said trust premises, or to any part thereof.

10. Trustees shall not be liable for involuntary loss

11. In congregations existing previous to the Union which have not adopted the plan of organization prescribed for pastoral charges as provided by the Basis of Union, the words "Official Board" and "Committee of Stewards" and "Session" in this schedule shall mean such board or committee or other body respectively discharging similar functions in such congregations, as to which in case of doubt the opinion of the presbytery to which such congregation belongs shall be final and conclusive.

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#### SCHEDULE B.

Robertson College (Edmonton).  
 Alberta College (Edmonton).  
 Mount Royal College (Calgary).

No. 7.

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FOURTH SESSION  
FIFTH LEGISLATURE

14 GEORGE V

1924

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**BILL**

An Act respecting the Union of  
certain Churches

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Received and read the

First time .....

Second time .....

Third time .....

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MR. SHIELD.

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J. W. JEFFERY, KING'S PRINTER  
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