



CHAPTER 50.

An Act respecting the Union of certain Churches therein named.

[Assented to 19th December, 1924.]

WHEREAS The Presbyterian Church in Canada, The 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 Canada" in accordance with the terms and provisions of a Basis of Union agreed upon by them, and that the Parliament of Canada has passed an Act to incorporate the Church to be formed by the said Union under the name "The United Church of Canada," being chapter 100 of the Statutes of 1924: Preamble.

And whereas the petitioners have prayed that an Act be passed by the Legislature of this Province to enact as hereinafter 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 consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

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

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

(a.) "The negotiating churches" means the churches mentioned in the preamble, and shall include also every congregation heretofore in connection or in communion with any of the negotiating churches which, prior to the coming into force of this Act, has joined with any one or more congregation or congregations of any of the other negotiating churches "The negotiating churches."

for purposes of worship, and every congregation affiliated with any of the negotiating churches, and every congregation ordinarily known as a local union church, whether it holds its property separately from or as a part of any of the negotiating churches, and every congregation having any representation in or connection with the General Council of local union churches:

“The Basis of Union.”

(b.) “The Basis of Union” means the Basis of Union set forth in Schedule A to the said Act of the Parliament of Canada:

“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 Presbyterian Church in 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; and all Presbyterian congregations in this Province 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:

“The Methodist 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, and all Methodist congregations separately incorporated under any Statute of this Province:

“The Congregational Churches.”

(g.) “The Congregational Churches” shall include The Congregational Union of Canada; The Congregational Union of Nova Scotia and New Brunswick; 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 incor-

porated 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 however:

- (h.) "The United Church" means The United Church of Canada: "The United Church."
- (i.) "The Act of incorporation" means the said Act of the Parliament of Canada: "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."
- (k.) "Non-concurring congregations" shall mean those congregations which decide as hereinafter provided not to enter the Union hereinafter mentioned.

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 Act 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 sections 6 and 9 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 Act 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 Act or thereafter acquired by devise, 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 Property of congregations.

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 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 congrega-
tions.

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 Act, 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, terms, and provisions 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. (a.) 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 before the tenth day of June, 1925, decide by a majority of votes of the persons present at such meeting and entitled to vote thereat not to enter 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 remain unaffected by this Act, except that any church formed by non-concurring congregations of the respective negotiating churches into which such congre-

gation enters shall stand in the place of the respective negotiating churches in respect of any such trusts relating to such property, and except that in respect of any such congregation which does not enter any church so formed such property shall be held by the existing trustees or other trustees elected by the congregation free from any trust or reversion in favour of the respective negotiating churches and free from any control thereof or connection therewith. The vote herein provided for shall be taken by secret ballot in such form and manner and at such time within the limit prescribed by this subsection as the congregation may decide: Provided that not less than two weeks shall be allowed for the taking of said vote by ballot as aforesaid. The said meeting may be adjourned for the purpose of said ballot being taken, but not for a longer period than thirty days.

(b.) 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.

Later entry into Union.

(c.) The persons entitled to vote under the provisions of subsection (a) of this section shall be those persons who were in full membership and whose names were on the roll of the Church on the nineteenth day of July, 1924, or who by the constitution of the congregation, if so provided, or by the practice of the Church with which they are connected, would have been entitled to vote at a meeting of the congregation on matters affecting the disposal of property on the nineteenth day of July, 1924.

Persons entitled to vote.

(d.) A meeting of the congregation for the purpose aforesaid may be called by the authority of the Session or Official Board of its own motion, and shall be called by the Session or Official Board on requisition to the Session or Official Board in writing of ten members entitled to vote under the provisions of this section in a congregation of one hundred members or less; or twenty-five such members in congregations having over one hundred and not more than five hundred members; and fifty members in congregations of over five hundred and not more than one thousand members; and one hundred such members in congregations of over one thousand members. Such meeting shall be called by public notice read before the congregation at each diet of worship on two successive Lord's Days on which public service is held, and such notice shall specify the object of the meeting: Provided further that such meeting shall be held within thirty days of the receipt of the requisition by the Clerk of Sessions or Recording Steward of the Official Board, or in case of any congregation not having a Session or Official Board, by the ordained minister recognized as in charge thereof by Presbytery or District meeting.

Calling of meeting for voting on Union.

Notice.

To be held within thirty days after requisition.

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

Constitution of
Commission.

9. (a.) There is hereby constituted a Commission which shall consist of three members to be appointed by the Lieutenant-Governor in Council within one month after the coming into force of this section.

Vacancies filled.

(b.) If a vacancy occurs in the office of any Commissioner so appointed, by reason of death, resignation, incapacity, or otherwise, the Lieutenant-Governor in Council may appoint some other person to fill the vacancy, and so from time to time as occasion requires.

Quorum of
Commission.

(c.) The quorum of the Commission shall be two, and its organization, times and places of meeting, and procedure shall be such as it may from time to time determine, and the decision of a majority of the members present at any meeting shall prevail.

Powers of
Commission.

(d.) Subject to the other provisions of this section, the duties and powers of the Commission shall be as follows:—

To compile state-
ment of votes.

(1.) To investigate the circumstances of the votes taken under this Act and examine the congregational properties within the Province of the uniting churches, and to report to the first session of the Legislature held after the passing of this Act what amendments and additions (if any) should be made to this Act in order to make an equitable adjustment of the congregational properties concerned between The United Church and the non-concurring congregations hereunder:

Power to employ
officers.

(2.) To retain counsel and engage all professional or other assistance, and to appoint and employ all such officers, stenographers, clerks, and servants as it considers expedient:

Power to pay costs.

(3.) To fix the fees, salaries, and remuneration of all persons so retained, engaged, appointed, or employed, and, subject to the approval of the Lieutenant-Governor in Council, to fix the remuneration of the members of the Commission; and by its said report to recommend to the Legislature what provision (if any) should be made for the payment of such fees, salaries, and remuneration, and the other expenses incurred in carrying out the provisions of this section, and what church or churches should be made liable for such payment.

Commission to act
under "Public
Inquiries Act."

(e.) For the purposes of obtaining information the Commission shall have all the powers and authorities conferred by the "Public Inquiries Act" upon commissioners appointed under that Act, together with the right of access to all property affected by this Act which it may find necessary to inspect. All witnesses subpoenaed by the Commission shall be paid the same witness fees and mileage as are now allowed by law to witnesses before the Supreme Court. The Commission shall not be bound by legal rules of evidence, but may make such inquiries and may accept such opinions, valuations, reports, and statements, written or verbal, as it considers expedient.

10. (a.) 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, subject, however, to the provisions of section 9 hereof.

Powers of Commission.

(b.) 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.

11. (a.) 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 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 congregational debts.

(b.) 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.

Liability for denominational debts.

12. 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

Colleges.

force of this Act 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 Act, 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 congregation in connection with The United Church. Nothing in this section contained shall be construed so as in anywise 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.

Teaching in colleges.

13. Notwithstanding anything contained in any Act 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.

14. Where, prior to the coming into force of this Act, 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, congregational, or social purpose in connection with any of the negotiating churches, such trust shall continue to 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 performance 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.

Existing trusts
continued

15. (a.) 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.

(b.) 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,

Establishment of
boards and
committees as
bodies 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.

Power to acquire
and dispose of
property.

16. 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: 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

Proviso.

it shall have ceased to be so required, but this proviso shall not be deemed in anywise to vary or otherwise affect any trust relating to such property.

17. 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.

18. 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.

19. The provision in the Basis of Union that the approval of the Conference in which property is situated is required 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.

Approval of Conference required in certain cases.

20. 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 favour 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.

Issue of debentures.

21. (a.) When any Registrar of any land registration district in this Province is satisfied by any evidence he may require that any real property standing in the name of any individual or individuals,

New certificates of title in names of trustees.

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 of any land registration district as conclusive evidence. No proof shall be required of the handwriting or official position of any person certifying pursuant to the provisions of this section.

Deeds and other
assurances
validated.

(b.) All deeds, transfers, mortgages, leases, or other assurances of any lands in the Province of British Columbia 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 Registry 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 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 Registry 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.

Trusts not to be
entered in full nor
set out in
documents.

(c.) 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.

22. 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.

Effect of general legislation as to religious societies.

23. Every duly ordained or appointed minister or clergyman of The United Church, and every minister, clergyman, or teacher, whether in charge of a congregation or not, including every such person who has been superannuated by or placed on the superannuation list of, or is a retired minister or clergyman in good standing of, any of the negotiating churches, duly ordained or appointed according to the rites and ceremonies of any of the negotiating churches or by the rules thereof deemed and recognized as duly ordained or appointed by virtue of any prior ordination, whether he becomes a member of The United Church or not, shall have the right to solemnize marriage in this Province.

Solemnization of marriage.

24. 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.

Statutes of Mortmain not to apply.

25. 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.

First meeting of the General Council.

26. 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:—

Interim exercise of powers.

(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:

By General Assembly, General Conference, and Congregational Union.

(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 (save

By Synods, Presbyteries, Conferences, District Meetings, Associations, etc.

as to non-concurring congregations) 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:

By corporations,
boards, committees,
and other bodies.

- (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.

Resolutions of
General Council.

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

Copies of certain
documents to be
evidence.

28. 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.

Basis of Union
ratified and
confirmed.

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

Act of incorporation.

30. The provisions of the Act of incorporation shall have full force and effect with respect to any property or civil rights within this Province, save as herein provided in this Act.

31. 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.

32. This Act shall come into force on the tenth day of June, 1925, except the provisions required to permit the vote provided for in section 8 being taken, and section 9, which shall come into force when this Act receives the Royal assent. Commencement 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:—

Column One.

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

2. To erect and repair buildings.

3. To obey all lawful orders and directions.

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

Column Two.

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

Column One.

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

Column Two.

(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, or 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

Column One.

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

Column Two.

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 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.

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, exchange, 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 said lands are situate may determine under the by-laws, rules, and

Column One.

7. The Trustees shall keep proper accounts and minutes.

Column Two.

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 a 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 inquire 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 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

Column One.

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

9. The number of Trustees shall not be fewer than three or 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

Column Two.

such person or persons as the said Committee may appoint for the purpose.

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 said Trustees shall not be fewer than three or 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

Column One.

of a congregation which ceases to exist shall be subject to the trusts determined by the Conference.

Column Two.

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 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

*Column One.**Column Two.*

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

Column One.

10. Trustees shall not be liable for involuntary loss.

Column Two.

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 organized congregation 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 thenceforth 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.

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.

SCHEDULE B.

Westminster Hall.
Columbian Methodist College.
Ryerson College.
The Congregational College of British Columbia.

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