A BILL

For the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouver Island and its Dependencies.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Vancouver's Island, enacts as follows:

I. Where a Religious Society or Congregation of Christians in the Colony of Vancouver's Island and its Dependencies desire to take a conveyance of land for the site of a Church, Chapel, Meeting House, Burial Ground or residence for the Minister or for the support of Public Worship and the propagation of Christian knowledge, such Society or Congregation may appoint Trustees, to whom and their successors to be appointed in such manner as may be specified in the Deed of Conveyance the land requisite for all or any

When Lands may be vested in Trustees for Churches, Churchyards, Burial Grounds &c.

of the purposes aforesaid may be conveyed; and such Trustees and their successors in perpetual succession by the name expressed in the Deed, may take hold and possess the land and maintain and defend actions in law or equity for the protection thereof, and of their property therein.

Conveyances to Trustees to be registered within twelve months.

II. But such Trustees shall, within twelve months after the execution of the Deed of Conveyance, cause the Deed to be registered in the office of the Registrar General of the colony, or otherwise the same shall be void.

When Trustees may mortgage lands so held.

III. When a debt has been, or may hereafter be contracted for the building, repairing, extending or improving of a Church, Meeting House or Chapel, on land held by trustees for the benefit of any Religious Society in the colony of Vancouver's Island, or for the purchase of the land on which the same has been, or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt, or any part thereof, by a mortgage upon the land-Church, Meeting House or Chapel, or may borrow to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

Trustees may lease lands in Trust for 21 years, and renew such leases &c., or may bind their successors to pay for improvements.

IV. The Grantees in trust named in any letters patent from the Crown, or the survivor or survivors of them, or the trustees for the time being appointed in manner prescribed in the Letters Patent, whereby lands are granted for the use of a Congregation or Religious Body, and any other Trustees for the time being entitled by law to hold lands in trust for the use of a Congregation or Religious Body, may let, for any term not exceeding twenty-one years, lands so held by them for the use of a Congregation or Religious Body, at such rent and upon such terms as the Trustees or a majority of them deem reasonable; and in the lease they may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years for a further term of twenty-one years or a less period at such rent and on such terms as may then by the Trustees for the time being be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may covenant or agree for the payment to the lessee, his executors, administrators or assigns of the value of any buildings or other improvements which may, at the expiration of any term, be in the demised premises, and the mode of ascertaining the amount of such rent or the value of such improvements may also be specified in the original lease.

V. But Trustees shall not have the power so to let, without the consent of the Congregation or Religious Body, for whose use they hold the land in trust, such consent to be signified by the votes of a majority of the members present at a meeting of the Congregation or Body duly called for the purpose, nor to let any land which at the time of making the lease is necessary for the purpose of erecting a Church or Place of Worship, or other building thereon, or for a Burial Ground for the Congregation for whose use the land is held.

Land not to be leased without consent of Congregation.

VI. The Trustees, for the time being, entitled by law to hold land in trust for a Congregation or Religious Body may, in their own names or by any name by which they hold the land, sue or distrain for rent in arrear, and take all such means for the recovery thereof as landlords in other cases are entitled to take.

Trustees may sue or distrain for rent in arrear. and in what name.

VII. When land held by Trustees for the use of a Congregation or Religious Body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the Trustees for the time being may give public notice of an intended sale, specifying the premises to be sold, and the times and terms of sale ; and after publication of the notice for four successive weeks in a weekly newspaper published in or near the place where the lands are situated, may proceed to sell the land at public auction according to the notice, but the Trustees shall not be obliged to complete or carry into effect the sale, if in their judgment an adequate price is not offered for the land and the Trustees may thereafter proceed to sell the land either by public or private sale ; but a less sum shall not be accepted at private sale than was offered at public sale. And before a deed is executed in pursuance of a public or private sale the Congregation or Religious Body for whose use the lands are held shall be duly notified thereof and the sanction of the Supreme Court of Civil Justice obtained for the execution of the deed.

How land in trust may be sold when no longer required by the Congregation.

VIII. Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the Congregation or Religious Body which they represent, or of any Minister thereof, a detailed statement showing all rents which accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of the Congregation or Religious Body, and which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the Congregation or Body.

Trustees to prepare and show statements annually.

Trustees may be called upon to account by Supreme Court.

IX. The Supreme Court of Civil Justice may, in a summary manner on complaint upon oath by three members of a Congregation or Religious Body of any misfeasance or misconduct on the part of Trustees in the performance of duties authorised by this Act, call upon the Trustees to give in an account; and may enforce the rendering of such account, the discharge of any duties and the payment of any money, so that the Congregation or Religious Body may have the benefit thereof, and the Court may compel the Trustees, in case of any misconduct, to pay the expense of the application or may award costs to the Trustees in case the application is made on grounds which the Court considers insufficient or frivolous or vexatious.

Lands in towns and cities not to be used for burial purposes.

X. Nothing in this Bill shall empower any Trustees of any Religious Body to occupy or use land for burial purposes within towns or cities in Vancouver's Island or its Dependencies.

Passed the Council on its return from the House of Assembly September 5th, 1859.

E. CRIDGE,
Hon. Sec'y.