BRITISH COLUMBIA.

ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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No. 23.

An Ordinance respecting the property of Religious Institutions in the Colony of British Columbia.

[15*th March*, 1869.]

WHEREAS it is expedient to amalgamate the Local Laws respecting the property of Religious Institutions; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

I. Where a Religious Society or Congregation of Christians in the Colony of British Columbia desire to take a conveyance of land for the site of a Church, Chapel, Meeting House, School, Belfry, 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 of the purposes aforesaid may be conveyed; and such Trustees and their successors in perpetual succession, by the name expressed in the Deed, may, after the consent of the Governor thereto first had and obtained, take, hold, and possess the land, and maintain and defend actions in law or equity for the protection thereof, and of their property therein. Provides for Religious Societies holding Land.

II. But such Trustees shall, within twelve calendar months after the execution of the Deed of Conveyance, cause the Deed to be Registered in the office of the Registrar General for that portion of the Colony in which the land included in the Deed is situate, or otherwise the same shall be void. Title Deeds must be be registered.

III. When a debt has been, or may hereafter be, contracted for the building, repairing, extending or improving of a Church, Meeting House, Chapel, School or Belfry on land held by Trustees for the benefit of any Religious Society in the Colony of British Columbia, 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, Chapel, School or Belfry, 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. Property of Religious bodies may be mortgaged.

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 or other Deed, whereby lands are granted for the use of a Congregation or Religious Body, and any other Trustees for the time being entitled Trustees may let lands belonging to Religious bodies;

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.

but not without consent of Congregation.

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 Religious 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, Place of Worship, or other building thereon, or for a Burial Ground for the Congregation for whose use the land is held.

Trustees may sue.

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 dispose of property of Religious bodies;

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, and in the *Government Gazette*, 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 their sanction obtained by Resolution passed at a meeting called for that purpose.

and sanction of Congregation obtained thereto.

Trustees to prepare and submit to Congregation a statement of their transactions.

VIII. Trustees selling or leasing land under the authority of this Ordinance, 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, and 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 Religious Body.

Empowers Courts to examine Trustees.

IX. The Supreme Court having jurisdiction 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 Ordinance, call upon the Trustees to give in an account, and may enforce the rendering of such account, the discharge of any

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.

X. Nothing in this Ordinance shall empower any Trustees of any Religious Body to occupy or use land for burial purposes within the limits of any towns or cities in British Columbia. Burial grounds must be outside of City limits.

XI. The Bill entitled "A Bill for the passage of an Act respecting the property of Religious Institutions in the Colony of Vancouver Island and its Dependencies," is hereby repealed, but any act done or executed thereunder, shall be deemed to have been duly done and executed, as if done and executed under the provisions of this Ordinance. Repeals Religious Institutions property Act of V. I.

XII. This Ordinance may be cited for all purposes as the "Religious Institutions Ordinance, 1869." Short Title.

Passed the Legislative Council the 9th day of March, A. D. 1869.

CHARLES GOOD, *Clerk of the Council.*

WILLIAM A. G. YOUNG, *Presiding Member.*

Assented to, on behalf of Her Majesty, this 15th day of March, 1869.

FREDERICK SEYMOUR, *Governor.*

VICTORIA, B. C.:
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