



CHAPTER 97

An Act respecting The United Church of Canada

[Assented to, the 24th of March, 1926]

WHEREAS The United Church of Canada has, by its Preamble.
petition, represented that it has been made a corporation by chapter 100 of the Statutes of Canada, 1924, which act contains various provisions respecting said corporation and otherwise; that there are matters concerning said corporation, some of which are dealt with in the said act and some of which are not, which are or may be of exclusive provincial jurisdiction; that it is therefore expedient that legislation be adopted in the Province confirming and supplementing the provisions of the said act, and that acts have been passed by the Legislatures of all the other provinces of Canada substantially to the same effect;

Whereas the petitioner has prayed that an act be passed by the Legislature of this Province enacting as hereinafter set forth; and

Whereas it is expedient to grant the prayer of the said petitioner;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Insofar as this Legislature has jurisdiction and not-
withstanding any act of the former Province of Canada or Statutes of Canada,
1924, c. 100,
confirmed.
of this Province, the Act, chapter 100 of the Statutes of Canada of 1924, is confirmed and declared valid, subject to the provisions hereinafter contained, to the same extent as if repeated in this act.

2. The power conferred upon The United Church of Canada by the said Dominion act or by this act to acquire Power to acquire not
limited, etc.,
by statutes
by gift, devise or bequest any real or personal property

of mort-
main.

shall not be limited or affected by any statute or statutes of mortmain in force in this Province.

Registers of
civil status.

3. All clergymen and ministers of The United Church of Canada shall have the power to keep registers of civil status for each congregation of the said United Church, and any clergyman or minister in charge of a non-concurring congregation shall have the same right for such congregation; they shall also have the right to solemnize marriages, the whole in accordance with the provisions of the Civil Code, and articles 42, 44 and 129 thereof shall apply to such ministers, clergymen and congregations. No power heretofore possessed by any clergyman or minister in the said respects shall be affected by the said Dominion act or this act. The use of the registers at present kept in any congregation, affected by the said act of incorporation or this act, may be continued for the current year as if the said acts had not been passed.

Quebec
Church
Property
Commission.

4. 1. Revd. E. Leslie Pidgeon, D. D. of Montreal, as representative of The United Church of Canada, and Gregor Barclay, advocate, of Montreal, as representative of the non-concurring congregations of the Presbyterian Church in Canada, hereinafter in this section called: "the non-concurring congregations", and Sir Arthur Currie, G.C.M.G., of Montreal, are hereby appointed as and shall be the Commission for the purposes set out in this section and shall be known as "The Quebec Church Property Commission", hereinafter called: "the Commission".

Chairman.

2. The said Sir Arthur Currie, G. C. M. G., of Montreal, shall be chairman of the Commission and any two members thereof shall constitute a quorum, and the finding or award of any two members thereof shall be a decision of said Commission.

Secretary,
etc.

3. The Commission may appoint a secretary and engage such clerical and other assistance as it may deem proper and their remuneration together with the expenses of the Commission shall be paid one-half by The United Church and one-half by the non-concurring congregations.

Remunera-
tion of re-
present-
atives.

4. The United Church and the non-concurring congregations may each pay its or their representative such remuneration as it or they may deem proper, and shall pay to the chairman of the Commission in equal shares the honorarium of \$1,500.

Non-ac-
ceptance of
office or
vacancy.

5. In case of non-acceptance or of a vacancy in the office of either of the said representatives, his substitute or successor shall be appointed by resolution of the Presbytery of Montreal of The United Church or of the church formed by the non-concurring congregations, as the case may be,

and, in case of non-acceptance or of a vacancy in the office of the chairman, the two representatives may appoint his successor or substitute, and, in case they do not appoint a successor within ten days after the vacancy occurs, the Acting Chief Justice of the Superior Court for the district of Montreal shall, on application of either of the representatives, appoint some other person as chairman.

6. Where there are two or more congregations of the same parent church situate in the same community or locality, but not including a city having a population in excess of 50,000 according to the last Dominion census, and each of them has voted to enter The United Church or each of them has voted not to enter The United Church, as the case may be, and the Commission finds on an application being made to it as hereinafter provided that there is no other church building in the community or locality where the minority or minorities of such congregations might reasonably be expected to attend and that such minority or minorities are large enough to constitute a separate congregation, then the Commission may determine and order that one of such church buildings shall belong to and be vested in trustees or otherwise set apart for the use and benefit of such minority or minorities as a congregation upon and subject to such terms and conditions as the Commission may deem proper, and, if there is any manse, burying ground or glebe land used by or in connection with either or any of such congregations, the Commission may make such order with respect thereto as it may deem proper.

Vesting of property, in certain cases.

7. Where any property was, previous to the 10th of June, 1925, held by or in trust for or to the use of two or more congregations of the same parent church for any common purposes and one or more of such congregations has voted to enter The United Church, and one or more not to enter The United Church, the Commission may apportion or otherwise deal with such property so as to render substantial justice having regard to all the equities, and may make such order with respect thereto as it may deem proper.

Apportionment of property, in certain cases.

8. Application to the Commission for the purpose of this section may be made within two months after the sanction of this act, and shall be determined and disposed of by the Commission within six months after the expiration of the time for making the application, and no proceedings shall be taken in any court to direct, prohibit or interfere with the consideration and determination by the Commission of any such application.

Period for making application to Commission and disposal thereof.

9. Any order of the Commission shall be final and binding and without appeal, and shall not be open to question in any court.

Order to be final.

Powers of
the Commis-
sion.

10. The Commission for the purposes of this section shall have all the powers conferred on a commissioner appointed under the provisions of the Public Inquiries Commission Act.

Effect of
order.

11. Any order of the Commission purporting to vest or transfer any property or right shall have the effect of vesting the same as therein provided, and, insofar as it affects lands, may be registered in the proper registry office in any registration division.

Registra-
tion.

Copy of
order fyled
in Superior
Court.

12. A copy, certified under the hand of the chairman, of any order of the Commission may be fyled in the office of the Superior Court for the district in which the church or congregation concerned is situated, and shall thereupon become and be enforceable as a judgment or order of the Superior Court to the same effect.

Inquiry,
etc., by
Commis-
sion in case
of extreme
hardship.

5. 1. Where representations are made to the Commission by or on behalf of the minority members of any congregation that as a result of the vote they are left in a position of extreme hardship and a request is made to the Commission to use its good offices in an endeavour to remedy such hardship, the Commission may, in an advisory capacity, inquire into the matter and make such recommendations and suggest such adjustments and plans, the adoption of which would, in the opinion the Commission, provide a remedy for such hardship.

Idem.

2. If any recommendation or adjustment suggested by the Commission, relating to congregational property, be accepted and adopted by vote of The United Church of Canada and by the church formed by said non-concurring congregations, an order giving effect thereto may be issued by the Commission and such order shall have the effect of a final judgment.

Powers of
federal com-
mission.

6. Subject to the provisions of this act:

a. Any commission appointed as provided by The United Church of Canada Act shall have and may exercise within this Province all powers, rights and privileges conferred or intended to be conferred upon it by the said Act, and any determination, decision, order or direction made or given by any such commission pursuant to the said Act shall have full force and effect with respect to any property or civil rights within this Province affected thereby.

b. Any determination, decision or order made by such commission may be made a rule, order or decree of the Superior 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 matter 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.

c. The provisions of sections 13, 14 and 15 of the said Dominion act shall not apply to any college or property allocated to non-concurring congregations after the date of such allocation.

7. The records, papers and other documents of any con- Inspection of records, etc.
gregation, session, synod, presbytery, general assembly or any church court or association or society in communion or connection with the Presbyterian Church in Canada, shall, as the case may be, be open to inspection by any authorized officer of The United Church of Canada or of the church of the non-concurring congregations or by any person or officer of any congregation, association, or society in connection therewith, who may make copies of such records, papers or other documents.

8. The American Presbyterian Society, a society re- American Presbyterian Society forms part of The United Church.
ferred to in 27-28 Victoria, chapter 163 of the Statutes of Quebec, shall be deemed to be a congregation of The United Church of Canada governed by the provisions of this act and of the said Dominion act, to the same extent as if it had been a congregation of one of the negotiating churches within the meaning of said Dominion act.

9. 1. In the case of non-concurring congregations of Property of non-concurring congregations.
the Presbyterian Church in Canada, their property, as at and from June 10th, 1925, shall stand in the same relation to the church formed by such non-concurring congregations as it stood to the Presbyterian Church in Canada before the passage of the said Act, chapter 100 of the Statutes of Canada, 1924, or of this act; provided that any of said congregations, within a delay of three months from the coming into force of this act, may decide by a majority vote, taken in accordance with said act, to remain independant of said Church, and provided further that those persons only shall be entitled to vote upon such question who are actually members in full communion of such non-concurring congregations at the passing of this act.

2. The said non-concurring congregations shall continue Idem.
to have in respect of their congregational property all the powers enjoyed by them as congregations of the said Presbyterian Church in Canada before the passage of said acts,

including in particular the right to acquire, hold, alienate or hypothec immovable property.

Vesting of
property,
etc., of
Presby-
terian Col-
lege of
Montreal.

10. 1. Notwithstanding anything in the said Act, chapter 100 of the Statutes of Canada, 1924, or in this act contained, the estate, right, title and interest of the Presbyterian College of Montreal in all the properties and effects of said College, moveable and immovable, lands, buildings, furnishings and fixtures, as more fully described in schedule "A" hereto, shall on and from June 1st next, 1926, be vested in George B. Fraser, merchant, James Rodger, merchant, and Purvis McDougall, stock broker, all of the city of Montreal, the survivors or survivor thereof, as trustees for the said church of the non-concurring congregations of the Presbyterian Church in Canada, and the said Presbyterian College of Montreal shall have the same connection with and stand in the same relation to the church of the non-concurring congregations of the Presbyterian Church in Canada as it had and stood with and to the said Presbyterian Church in Canada immediately prior to the 19th of July, 1924.

SCHEDULE "A"

"That certain immovable property fronting on McTavish Street in the City of Montreal, known as the Presbyterian College, with principal's residence and the David Morrice Hall and Library thereunto attached, the whole as erected upon that lot of land and designated as lot No. 1803 on the Official Plan and in the Book of Reference of the St. Antoine Ward, Montreal, the said premises bearing civic Nos. 67 and 69 on said McTavish Street, together with all buildings or premises thereon erected, with all the furnishings and fixtures therein contained."

Administra-
tion of en-
dowments,
etc., by
Royal
Trust Co.

2. In respect of the endowments and investments of the said Presbyterian College, they shall be administered by The Royal Trust Company, Montreal, and the whole income or revenue thereof, less the cost of such administration, shall be paid to the trustees as aforesaid for the interim support and maintenance of said College until the commission appointed under said Act, chapter 100 of the Statutes of Canada, 1924, shall have considered and determined the permanent disposition of such endowments and investments.

Vesting of
charter and
records.

Access
thereto.

3. The charter and records of said Presbyterian College shall likewise be vested in said trustees as aforesaid on behalf of the said church of said non-concurring congregations of said Presbyterian Church in Canada, provided The United Church of Canada shall have right of

access to, with liberty to make extracts or copies from, said records.

4. Notwithstanding the vesting of the college buildings, land, furniture, fixtures and charter of the Presbyterian College of Montreal in trustees for the church of said non-concurring congregations, this shall not involve and shall not confer membership in Joint Bd. Board of the Theological Colleges affiliated with McGill University", incorporated under the act 4 George V, chapter 160 of the Statutes of Quebec, 1914. ^{Vesting of property not to confer membership in Joint Bd. of Theol. Colleges.}

5. All students or other members of said United Church of Canada shall have right of access to and use of the Library of said Presbyterian College. ^{Use of library.}

6. The property of said Presbyterian College, hereby vested in said trustees as aforesaid, shall be debited and charged against the said church of the said non-concurring congregations of the Presbyterian Church in Canada in any apportionment or allocation made by the said commission mentioned in subsection 2 of this section. ^{Property vested to be debited.}

11. This act, except as otherwise herein provided, shall be deemed to have come into force on the tenth day of June, 1925, except that the provisions respecting the voting provided for in section 10 of the said Dominion act shall be deemed to have come into force on the tenth of December, 1924, and all votes of any congregation on the question of non-concurrence in the Union of Churches resulting in the incorporation of the United Church of Canada taken heretofore in accordance with the provisions of the said Dominion act shall be deemed to be valid and binding to all intents and purposes. ^{Coming into force.}

