

C H A P . 2 0

An Act to amend articles 3400 and 3408 of the Revised Statutes

[*Assented to 20th May, 1905*]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

R. S., 3400, amended. **1.** Article 3400 of the Revised Statutes, as amended by the act 3 Edward VII, chapter 32, section 2, is further amended by adding thereto the following clause :

Power of commissioners as to territory to be assessed, &c. Approval by Lieutenant Governor in Council. “ The commissioners may further allow the trustees, if they think proper, to omit from the act of assessment any lot of land or other immoveable forming part of the civil parish but comprised within the canonical limits of a neighboring parish, the civil erection whereof has not been had, and in such case in order to be valid the assessment roll must be approved of by the Lieutenant-Governor in council within sixty days from its confirmation.”

R. S., 3408, amended. **2.** Article 3408 of the Revised Statutes is amended by inserting after the word : “mission” in the ninth line the following words : “as determined by the commissioners in accordance with the last clause of article 3400.”

C H A P . 2 1

An Act for the relief of certain religious bodies

[*Assented to 20th May, 1905*]

Preamble. **W**HEREAS there are numerous Protestant congregations within the Province of Quebec which own property, but do not possess charters of incorporation, and it is expedient to provide an easy and inexpensive method of incorporating the same ;

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

Certain Protestant churches may **1.** Whenever any Protestant individual church has been formed and has obtained power to keep registers of civil status, but has not become incorporated in any other manner

than hereinafter provided, and is not prevented from doing so by the constitution of the religious denomination to which it belongs, or when the property of the said church is not owned, possessed and controlled by some authority superior to the said church within the body to which it belongs, and when no other provision exists under special statute, whereby the said church may acquire the powers of a corporate body without a special act to that effect, such incorporation may be obtained upon petition presented to the Lieutenant-Governor in Council, who is hereby authorized to grant the same at his discretion.

be incorporated by Lieutenant-Governor in Council upon petition to that effect.

2. The petition shall contain the following particulars : Contents of petition.

- (a) The name of the individual church so applying ;
- (b) The names of not less than three of the principal executive officers of the said church ;
- (c) The recital of a general resolution of the members of the said church duly passed at a special meeting called for the purpose, and of which reasonable notice to all members has been given, authorizing the said executive officers to proceed under the present statute ;
- (d) The name of the religious denomination to which the said church belongs ;
- (e) The place where its principal meetings are held ;
- (f) A description of any real estate already belonging to it.

3. The petition shall be accompanied by :

Documents to accompany petition.

(a) Affidavits of three of the principal executive officers of the church in support of the allegations of the petition, declaring that the conditions of the present law are applicable ;

(b) A duly certified extract from the minutes of the special church meeting, hereinabove referred to, containing a copy of the resolution aforesaid, and of the notice of such special meeting and mention of the manner of notification to members.

4. Notice of the presentation of the petitions shall be inserted during one month in the *Quebec Official Gazette*, and four times in a newspaper published in the judicial district in which the church meets, or if no newspaper is published in such district then in a newspaper published in the nearest district where one is issued.

Notice of presentation of petition to be published.

5. After presentation of the petition the Lieutenant-Governor in Council may, if satisfied of the correctness of the

Lieutenant-Governor in

Council may
grant peti-
tion.

Effect
thereof.

allegations thereof, grant the same, and the said congregation shall thereafter possess all the powers, rights and privileges and be subject to all the obligations of a duly incorporated body ; and under the name mentioned in the petition, may *inter alia* enter into contracts, and may acquire, by onerous or gratuitous title, moveable and immoveable property for the actual use and benefit of the church, its missions, minister's residence and appurtenances, and the benevolent and charitable objects connected therewith, and may hold and possess the same, provided that the immoveable property does not exceed in value the sum of three hundred thousand dollars ; may sell, alienate or exchange any such property for the benefit of the church, its missions and appurtenances or the benevolent and charitable objects connected therewith, and mortgage and hypothecate such immoveable property, provided no purchase, acquisition, sale, alienation or mortgage of immoveable property shall take place unless the same is recommended by a majority of the trustees and authorized by a three-fourth's vote of the male members of the church present at a meeting duly convened in the manner provided by the by-laws of the church for such meeting, to hear and determine such recommendation of the trustees ; institute and defend all actions at law in connection with its rights and obligations ; and generally possess all the privileges and powers of ecclesiastical corporations under the laws of this province.

Power of
church to
make certain
by-laws.

6. The church may make such by-laws, rules and regulations for the government of its affairs as shall not conflict with the laws in force in this Province, the provisions of this act, or the principles, usages and doctrines of the denomination to which it belongs ; and more particularly, but not so as to affect the generality of this provision, the church may, by by-laws, rules and regulations, provide for ;

(a) Membership in the church ;

(b) The appointment and election of church officers, servants, and committees, their term of office and the manner of their replacement and removal ;

(c) The appointment of the pastor, his requirements, salary, and removal ;

(d) Meetings, annual, monthly and special, the notices to be given for the convening of such, and the times when such meetings shall be called ;

(e) Pews and sittings and provisions relative thereto.

Appointment
of board of

7. The church shall appoint, from amongst its qualified members, a board of trustees for such term and of such

number as it shall fix by by-law, provided the board of trustees shall never be composed of less than five or more than nine members ; and when so appointed the board of trustees may make or cause to be made, for the church, any contract which the church by law may make, subject to the provisions of this act with respect to the acquisition, alienation or mortgaging of immoveable property.

trustees and powers thereof.

8. A majority of the trustees shall form a quorum for the transaction of business.

Quorum of board.

A majority of the trustees present, at any duly convened meeting of the board of trustees, if a quorum, may pass any motion or adopt any measure or enter into any contract within their powers, save with respect to the acquisition, alienation or mortgaging of immoveable property belonging to the church, in which case a majority of the actual board of trustees shall be necessary to adopt any such motion, measure or contract, and the authorization of the church shall be obtained as hereinabove provided.

Powers of board at meetings.

9. The church shall elect from its members, a treasurer of the church, who shall receive and pay out all moneys under the direction of the trustees and render a true and correct account to the church, at its annual meeting, of all moneys received and expended, and at all times when required so to do by the trustees, shall furnish them or the church with a statement of the financial condition of the church.

Appointment of treasurer and his duties.

10. The church shall also elect from its members a clerk of the church or church secretary who shall cause to be kept a roll containing the names of all the members of the church with the date of their reception and last known address or the date when they ceased to be members by dismissal, death, exclusion or otherwise ; which roll, when countersigned by the chairman of the board of trustees shall be evidence of membership.

Appointment and duties of church secretary.

11. The church, shall at all times, when thereunto required by the Lieutenant-Governor in council, make a full return of its property and of its receipts and expenses with such particulars as he may require.

Return to be made.

12. Nothing in this act shall alter or impair in any way the rights of any mortgagee or other creditor acquired previous to such incorporation.

Interpretation.

13. This act shall not apply to, among other denomina-

Act not to apply to cer-

tain denomi- tions, the Church of England in Canada, the Presbyterian
nations. Church in Canada and the Methodist Church of Canada.

Coming into **14.** This act shall come into force on the day of its sanc-
force. tion.

CH A P . 2 2

An Act to amend the Revised Statutes respecting Cemetery
Companies

[Assented to 20th May, 1905]

HIS MAJESTY, with the advice and consent of the Leg-
islative Council and of the Legislative Assembly of
Quebec, enacts as follows :

R. S., 3457a, **1.** Article 3457a of the Revised Statutes, as enacted by
amended. the act 54 Victoria, chapter 31, section 1, is amended by
adding thereto the words : “and every cemetery company,
lawfully incorporated, may likewise obtain by expropriation
the land necessary for establishing or enlarging its cemetery.”

CH A P . 2 3

Ant Act to amend the Notarial Code

[Assented to 11th May, 1905]

HIS MAJESTY, with the advice and consent of the Leg-
islative Council and of the Legislative Assembly of
Quebec, enacts as follows :

Art. added **1.** The following article is added after article 3812 of the
after R. S., Revised Statutes :

“**3812a.** 1. Every holder of a degree of Bachelor of
Holders of Arts, Bachelor of Sciences or Bachelor of Letters, conferred
degrees may upon him by any Canadian or British University, may pass a
pass inden- deed of indenture with a notary, but he must present him-
tures with self at the meeting of the Board which follows next after
notary, but the date of the passing of such deed to obtain a certificate
to obtain cer- authorizing him to study the profession, and comply with
ficate from all the other provisions of article 3503a of these Statutes.
Board.”