

UNEDITED

The Religious Societies Land Act

being

Chapter 68 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 68

An Act respecting the holding of Lands in Trust for Religious Societies and Congregations

Short title

1 This Act may be cited as *The Religious Societies Land Act*.

R.S.S. 1920, c.68, s.1

Appointment of trustees

2 When any religious society or congregation of Christians in Saskatchewan desires to take a conveyance or transfer of land for the site of a church, chapel, meeting house, burial ground, residence or glebe 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 or transfer or by resolution passed in the manner provided for in section 12, the land requisite for all or any of the purposes aforesaid may be conveyed or transferred, and such trustees and their successors in perpetual succession by the name expressed in the deed or resolution may take, hold and possess the land and maintain and defend all actions or suits for the protection thereof or of their property therein:

Lands not to exceed 320 acres

Provided always that no religious society or congregation shall be capable of holding under the provisions of this Act more than three hundred and twenty acres of land.

R.S.S. 1909, c.42, s.1; R.S.S. 1920, c.68, s.2.

Conveyance registered within one year

3 Such trustees shall, within twelve months after the execution of the transfer or deed of conveyance as authorised in section 2 cause the title to the land described therein to be registered in the land titles office of the land registration district in which the land is situated, otherwise the said deed or transfer shall be void.

R.S.S. 1909, c.42, s.2; R.S.S. 1920, c.68, s.3.

Debts secured by mortgage

4 When a debt has been contracted for the building, repairing, extending or improving a church, chapel, meeting house or residence for the minister on land held by trustees under the provisions of this Act, 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 payment of the debt or any part thereof, with or without interest, by mortgage upon the land, church, chapel, meeting house or residence for the minister, or may borrow money to pay the debt or any part thereof and may secure the repayment of the loan with or without interest by a like mortgage.

R.S.S. 1909, c.42, s.3; R.S.S. 1920, c.68, s.4.

Land may be leased

5 The trustees may lease for any term not exceeding twenty-one years land held by them under this Act, or any part thereof, at such rent and upon such terms as the trustees or a majority of them may deem reasonable:

Provided always that the trustees shall not lease any land which at the time of the making of the lease is necessary for the purpose of erecting a church, chapel, meeting house or residence for the minister, or for a burial ground for the religious society or congregation for whose use the land is held; and

Provided further that the trustees shall not lease the land so held by them or any part thereof for a term exceeding three years without the consent of the religious society or congregation for whose use the land is held, which consent shall be signified by resolution passed by the votes of a majority of those persons who, by the constitution of the said religious society or congregation or by the practice of the church with which it is connected, are entitled to vote in respect of church business, present at a meeting of the religious society or congregation duly called for the purpose of considering the proposed lease.

R.S.S. 1909, c.42, s.4; R.S.S. 1920, c.68, s.5.

Renewal of lease

6 In any lease made under section 5 the trustees 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 any less period at such rent and on such terms as may then be by the trustees for the time being be agreed upon with the lessee, his 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 on the demised premises; and the mode of ascertaining the amount of such rent or the value of such improvements may also be provided for in the original or any subsequent lease.

R.S.S. 1909, c.42, s.5; R.S.S. 1920, c.68, s.6.

Trustees to have power of landlords

7 The trustees for the time being holding land under this Act which has been leased under the powers contained in sections 5 and 6 may take all such means and proceedings for the recovery of rent or arrears of rent which landlords are by law entitled to take.

R.S.S. 1909, c.42, s.6; R.S.S. 1920, c.68, s.7.

Sale of land

8 When land held by trustees for the use of a religious society or congregation becomes unnecessary to be retained for such use and it is deemed advantageous to sell the same, the trustees for the time being may give public notice of an intended sale, specifying the premises to be sold, the terms of payment and the time of sale, and, after publication of the notice not less than once in each week for four successive weeks in a newspaper published in or near the place where the land is situated, sell the land at public auction according to notice, but the trustees shall not be obliged to complete or carry a sale into effect if in their judgment an adequate price is not offered for the land; and in such case the trustees may at a subsequent time sell the land either at public auction or private sale but a less sum shall not be accepted at private sale than was offered at public sale.

R.S.S. 1909, c.42, s.7; R.S.S. 1920, c.68, s.8.

Sanction of judge to transfer

9 Before a deed or transfer is executed in pursuance of a public or private sale the religious society or congregation for whose use the land is held shall be notified and the sanction of a judge of the Court of King's Bench obtained for the execution of the deed.

R.S.S. 1909, c.42, s.8; R.S.S. 1920, c.68, s.9.

Condition precedent to sanction

10 Any private sale or agreement to sell which has been approved, at a meeting of the religious society or congregation for whose use the land is held, duly called in accordance with the rules and regulations of such society or congregation, by 80 per centum of the persons present at such meeting and entitled to vote thereon, may on the application of the trustees be sanctioned and confirmed by a judge of the Court of King's Bench notwithstanding that such property may not have been previously advertised or offered for sale by public auction.

1917, c.34, s.9; R.S.S. 1920, c.68, s.10.

Annual statement

11 Trustees selling or leasing land under the authority of this Act shall, in the month of January in each year, at a meeting of the religious society or congregation duly called according to the constitution thereof or according to the practice of the church with which it is connected, have ready and open for the inspection of the said society or congregation and of any and every member thereof a statement showing all rents which accrued during the preceding year and all sums of money in their hands for the use and benefit of the said society or congregation which were in any manner derived from the land under their control or subject to their management or from the proceeds of the sale thereof, and also showing the manner in which they may have expended or dealt with the said money or any part thereof.

R.S.S. 1909, c.42, s.9; R.S.S. 1920, c.68, s.11.

Society or congregation may specify manner of appointing succeeding trustees

12 When land is granted, transferred or conveyed to trustees for the use of any religious society or congregation and the grant, transfer or deed of conveyance of such land does not specify the manner in which the successors to the trustees therein named are to be appointed, the religious society or congregation for whose use such land is held may, at a meeting of the said society or congregation duly called according to the constitution thereof or according to the practice of the church with which it is connected, by the votes of a majority of those persons who, by the constitution of the said society or congregation or by the practice of the church with which it is connected, are entitled to vote in respect of church business, then present at such meeting, pass a resolution specifying the manner in which the successors of the trustees for the time then being are to be appointed, and such resolution indorsed on or annexed to the deed, transfer or conveyance under which the land is held for the use of the said society or congregation, signed by the chairman and secretary of the meeting at which the resolution is adopted, shall govern and regulate the manner in which the successors of the trustees named in the original grant or conveyance shall be appointed, and from and after the passing of such resolution the provisions of this Act shall apply to the said society or congregation and the trustees thereof.

R.S.S. 1909; c.42, s.10; R.S.S. 1920, c.68, s.12.

Presbyterian, congregation's consent required

13 In the case of a congregation of the Presbyterian Church in Canada for the use or benefit of which land is now held or may hereafter be held by The Board of Management of the Church and Manse Building Fund of the Presbyterian Church in Canada for Manitoba and the North-West [pursuant to the powers contained in the Act of Parliament of Canada passed in the forty-sixth year of the reign of Queen Victoria and chaptered 97, incorporating the said board of management], and which has received from the said board a loan under the provisions of the said Act, no resolution passed under section 12 shall have any force or be operative until the same has been submitted to the said board of management and the consent thereto of the said board of management has been indorsed thereon under its corporate seal.

R.S.S. 1909, c.42, s.11; R.S.S. 1920, c.68, s.13.