

**AN ACT TO INCORPORATE THE ANGLICAN SYNOD
OF THE
DIOCESE OF KOOTENAY**

(June 4th, 1903)

WHEREAS under and by virtue of the Act 64 Victoria, Chapter 45 of the Statutes of British Columbia, entitled "An Act to Amend an Act to Incorporate the Anglican Synod of the Diocese of New Westminster", all that portion of the Province of British Columbia lying to the East of the 120th Meridian of West Longitude was severed from the said Diocese of New Westminster.

AND WHEREAS a new Diocese has been created under the style and title of "The Diocese of Kootenay", which comprises that portion of the said Province which is described as follows, namely:—

Commencing at a point on the forty-ninth parallel of North Latitude, part of the International Boundary Line between Canada and the United States, where the said parallel intersects the said one hundred and twentieth meridian, thence to that point of the said meridian at which it becomes the Eastern Boundary Line of the Province of British Columbia; thence South-Easterly and along the boundary line between the said Province of British Columbia and the North West Territories until such last mentioned boundary line intersects the said forty-ninth parallel, thence Westerly along the said forty-ninth parallel to the point of commencement.

AND WHEREAS a petition has been presented from the Synod of the Diocese of Kootenay praying that it may be incorporated, and it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

- 1: The Synod of the Diocese of Kootenay shall be, and the same is hereby made and constituted a body politic and corporate, under the name of "The Synod of the Diocese of Kootenay" hereinafter called the said Synod.
- 2: The said Synod shall consist of the Lord Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, and of such other persons as are or may hereafter become members thereof according to the Constitution and Canons of the said Synod.
- 3: The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as they shall think proper, and the said Synod may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Synod shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain all messages, lands, tenements, and immovable property, money, goods, chattel and movable property, which have been or hereafter shall be paid,

given, granted, appropriated, devised or bequeathed to it, or purchased or acquired by it, in any manner or way whatsoever, to, for, or in favor of the eleemosynary, ecclesiastical, or educational uses and purposes, within the Province of British Columbia, of the Church of England, or otherwise, including thereby the uses and purposes of any church, parish, mission, institution, school, or hospital connected with the Church of England in British Columbia.

- 4: The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Act, have power to sell, convey, exchange, alienate, mortgage, lease, or demise or otherwise deal with any real or personal estate or property held by the said Synod, whether simply by way of investment or not, and the said Synod may also, from time to time, invest all or any of its funds and personal property which may be vested in or acquired by the said Synod, for eleemosynary, ecclesiastical or educational purposes as aforesaid, or otherwise, including the Episcopal Endowment Fund, in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or of any Province thereof, or in Municipal Bonds or Debentures of any Municipality within Canada, or in Bonds or Debentures of any Company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds, and generally shall have and enjoy the same, and as large, full, and ample powers and rights, as if it were a private person, able and capable in law.
- 5: The said Synod shall, in case of land being held by it, be able, notwithstanding any trust affecting the same, to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a church building, cemetery, school, hospital, or any public object, freed from any trust affecting the same as aforesaid.
- 6: It shall be lawful for the Corporation of the Bishop of Kootenay, or any other Corporation, or any person, or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Synod, to be held in trust for the same purposes.
- 7: The Constitution, Canons and Rules of Order of the Synod of the Diocese of New Westminster, as revised in November, A.D. 1892, shall, until the same be altered or amended in accordance with such Constitution and Canons by the said Synod incorporated under this Act, be the Constitution, Canons and Rules of Order for the said Synod incorporated under this Act.
- 8: The said Synod may exercise all its powers by and through such boards, committees or officers as the said Synod may from time to time appoint for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.

- 9: The terms "The Church of England," or "The Church of England in British Columbia," or "The Anglican Church," in this Act, and in all deeds, instruments and documents that have been heretofore, or that may hereafter be executed dealing with real or personal property within the Province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments or documents, and so far as the same affect the said Diocese of Kootenay or the said Synod, that portion of the Church of England or Anglican Church within the Province of British Columbia.
- 10: Any deed or document shall be deemed to be duly executed by the said Synod if the same has affixed thereto the seal of the said Synod and the signatures of the Bishop for the time being of the Diocese of Kootenay or his Commissary duly appointed, and the Lay Secretary for the time being.
- 11: The Bishop for the time being of the Diocese of Kootenay, duly elected or acknowledged by the said Synod, or otherwise duly appointed and consecrated by lawful authority Bishop of the Diocese of Kootenay, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of Kootenay with full power to hold and acquire real and personal estate, and to sell, convey, lease, mortgage, deal with or dispose of the same, or any part thereof.
- 12: Any conveyance of real estate or any interest therein vested in the Corporation of the Lord Bishop of Kootenay, shall hereafter be deemed to be duly executed if the same has affixed thereto the seal of such Corporation, verified by the signature of the Bishop for the time being of the Diocese of Kootenay, or his Commissary duly appointed, and all deeds and documents whatsoever, if executed in the same way, shall be deemed to be properly and effectually executed.
- 13: Until a Bishop has been duly appointed and consecrated as Bishop of the Diocese of Kootenay, the Lord Bishop of New Westminster may exercise all the rights and powers of a Bishop of the Diocese of Kootenay.

Chapter 86

1903, c 31

AN ACT TO AMEND

**“THE SYNOD OF THE DIOCESE OF KOOTENAY
INCORPORATION ACT, 1903,”**

(Assented to 30th March, 1950)

WHEREAS the powers of investment given to the Synod of the Diocese of Kootenay (hereinafter called “the said Synod”) by the *Act* of Incorporation of the said Synod, being chapter 31 of the Statutes of British Columbia, 1903, are insufficient to enable the said Synod to provide an income necessary for the proper and decent fulfillment of the various eleemosynary, ecclesiastical, and educational uses and purposes for which it has been incorporated:

And whereas it is expedient that the powers of the Synod for the investment of its trust funds should be enlarged:

And whereas the said Synod has presented a petition praying that the said Act of 1903 be amended to enlarge the powers of investment of the said Synod:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

SHORT TITLE

- 1: This Act may be cited as “The Synod of the Diocese of Kootenay Incorporation Act, 1903, Amendment Act, 1950.”

AMENDS s.4

- 2: Section 4 of the said Act is amended by striking out the words “in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or any Province thereof, or in municipal bonds or debentures of any municipality within Canada, or in bonds or debentures of any company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds” in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth lines thereof, and by inserting in the place thereof the words “in any securities authorized by the laws of the Province of British Columbia, and amendments thereto, for the investment of trust funds, and in any securities authorized by the laws of the Dominion of Canada, and amendments thereto, for the investing or lending by Canadian life insurance companies of their funds.”