

UNEDITED

The Religious Societies Land Act

being

Chapter 109 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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 109

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. 1953, c.109, s.1.

Appointment of trustees

2 When any religious society or congregation of Christians in Saskatchewan desires to take a 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, the society or congregation may appoint trustees, to whom and their successors, to be appointed in such manner as may be specified in the transfer or by resolution passed in the manner provided for in section 13, the land requisite for all or any of the said purposes may be transferred; and the trustees and their successors in perpetual succession by the name expressed in the transfer or resolution may take, hold and possess the land and maintain and defend actions or suits for the protection thereof or of their property therein:

Provided that no 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. 19,10, c.99, s.2; R.S.S. 1953, c.109, s.2.

Transfer registered within one year

3 The trustees shall, within twelve months after the execution of the transfer, cause it to be registered in the land titles office of the land registration district in which the land is situated, otherwise the transfer shall be void.

R.S.S. 1940, c.99, s.3; R.S.S. 1953, c.109, s.3.

Debts secured by mortgage

4 When a debt has been contracted for 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, or may borrow money to pay the debt or any part thereof and may secure repayment of the loan with or without interest by a like mortgage.

R.S.S. 1940, c.99, s.4; R.S.S. 1953, c.109, s.4.

Power to lease land

5(1) Subject to subsections (2) and (3), 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.

(2) 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 burial ground for the society or congregation for whose use the land is held.

(3) The trustees shall not lease the land held by them or any part thereof for a term exceeding three years without the consent of the 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 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 society or congregation duly called for the purpose of considering the proposed lease.

R.S.S. 1940, c.99, s.5; R.S.S. 1953, c.109, s.5.

Renewal of lease

6 In a 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 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 the rent or the value of the improvements may also be provided for in the original or any subsequent lease.

R.S.S. 1940, c.99, s.6; R.S.S. 1953, c.109, s.6.

Trustees have powers of landlords

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

R.S.S. 1940, c.99, s.7; R.S.S. 1953, c.109, s.7.

Sale of land

8(1) When land held by trustees for the use of a society or congregation is no longer required and it is deemed advantageous to sell the same, the trustees 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, may sell the land at public auction according to notice.

(2) 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. 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. 1940, c.99, s.8; R.S.S. 1953, c.109, s.8.

Sanction of judge to transfer

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

R.S.S. 1940, c.99, s.9; R.S.S. 1953, c.109, s.9.

Condition precedent to sanction

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

R.S.S. 1940, c.99, s.10; R.S.S. 1953, c.109, s.10.

Judge's order to accompany transfer

11 When a transfer of land sold by trustees under the authority of this Act is presented for registration in the land titles office it shall be accompanied by the order or a certified copy of the order of the judge made under section 9 or 10.

R.S.S. 1940, c.99, s.11; R.S.S. 1953, c.109, s.11.

Annual statement

12 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 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 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 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 have expended or dealt with the money or any part thereof.

R.S.S. 1940, c.99, s.12; R.S.S. 1953, c.109, s.12.

Power to specify manner of appointing succeeding trustees

13(1) When land is transferred to trustees for the use of a society or congregation and the transfer does not specify the manner in which the successors to the trustees therein named are to be appointed, the society or congregation for whose use the land is held may, at a meeting 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 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 are to be appointed.

(2) Such resolution endorsed on or annexed to the transfer, signed by the chairman and secretary of the meeting at which it was adopted, shall govern and regulate the manner in which the successors of the trustees named in the transfer shall be appointed, and from and after the passing of such resolution the provisions of this Act shall apply to the society or congregation and the trustees thereof.

R.S.S. 1940, c.99, s.13; R.S.S. 1953, c.109, s.13.

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