

**AN ACT TO INCORPORATE  
THE ROYAL  
CANADIAN LEGION**



**1981**

File #  
Municipal vs. Indus. Conc.  
058870-9-M

# AN ACT TO INCORPORATE THE ROYAL CANADIAN LEGION

Chapter 84 of the Statutes of Canada 1948, as amended by Chapter 86 of the Statutes of Canada 1951, by Chapter 72 of the Statutes of Canada 1959, by Chapter 83 of the Statutes of Canada 1961, by Chapter 112 of the Statutes of Canada 1975, by Chapter 47 of the Statutes of Canada 1977-78 and by the Statutes of Canada 1980-81.

WHEREAS the persons hereinafter named have by their Preamble, petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In this Act unless the context otherwise requires,

(a)	"dominion convention" means the appointed delegates from branches assembled in general meeting at a time and place to be specified by the preceding dominion convention or by the dominion executive council.	Interpretation.
(b)	"dominion command" means the supreme authority of the Legion, that is the dominion convention and, when it is not in session, the dominion executive council.	"dominion command"
(c)	"provincial command" means the provincial convention and, when it is not in session, the provincial executive council.	"provincial command"
(d)	"branch" means a body of persons fulfilling the qualifications of membership who, having made petition to the proper provincial command, have been issued a charter by the dominion command.	"branch"

Incorporation

2. (1) C. Basil Price, executive, and Lucien Lalonde, barrister, both of the City of Montreal, in the province of Quebec, Lionel D. Baxter, executive, and Arthur E. Moore, railway employee, both of the city of Winnipeg, in the province of Manitoba, Alfred Watts, barrister, of the city of Vancouver, in the province of British Columbia, and Gordon H. Rochester, civil servant, of the city of Ottawa, in the province of Ontario, together with such persons as become members of the association hereby incorporated are hereby constituted a body corporate under the name of "The Canadian Legion of the British Empire Service League", hereinafter called "The Legion".

Change of name. St 1959 C72S1  
Existing rights saved.

The name of the Canadian Legion of the British Empire Service League hereinafter called "the Legion", is changed to The Canadian Legion, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Legion, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Legion which, notwithstanding such change in the name of the Legion, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against the Legion by its former name may be commenced or continued by or against it by its new name.

Change of name St 1961 C83.

The name of The Canadian Legion, hereinafter called "The Legion" is changed to The Royal Canadian Legion, but such change in name shall not in any way impair, alter or affect the rights or liabilities of The Legion, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against The Legion which, notwithstanding such change in the name of The Legion, may be prosecuted, continued, completed and enforced as if this Act had not been passed, and any suit or legal proceeding that might have been commenced or continued by or against The Legion by its former name may be commenced or continued by or against it by its new name.

The persons named in subsection one shall be the provisional dominion executive council of the Legion. Provisional executive council.

3. The head office of the dominion command shall be at the city of Ottawa, in the province of Ontario, or in such other place in Canada as may be from time to time determined by the dominion command. Head office.

4. The purposes and objects of the Legion shall be: Purposes and Objects.

(a) to constitute an association of those persons who have served or are serving in Her Majesty's armed forces or any auxiliary force thereof, and of other persons who support the purposes and objects of the Legion, which association shall be democratic and non-sectarian and not affiliated to or connected directly or indirectly with any political party or organization;

(b) to bring about the unity of all who have so served;

(c) to further among them the spirit of comradeship and mutual help, and the close and kindly ties of active service;

(d) to pass on to their families and descendants the traditions for which they stand;

(e) to perpetuate the memory and deeds of the fallen and of those who die in the future;

(f) to promote and care for memorials to their valour and sacrifice, to provide suitable burial, to keep an annual memorial day, to preserve the records and memories of their service and to see that such services shall not be forgotten by the nation;

(g) to ensure that proper attention shall be paid to the welfare of all who have served and the welfare of their dependents and to see to the maintenance and comfort of those who require special treatment, particularly the disabled, sick, aged and needy, and to promote the welfare of their dependents;

- (h) to educate public opinion regarding national duties to the dead, the disabled and others who have served, and their dependents;
  - (i) to foster loyalty among the public and education in the principles of patriotism, duty and unstinted public service;
  - (j) to strive for peace, goodwill and friendship among all nations, at the same time advocating the maintenance by Canada of adequate and sufficient forces on land, sea and in the air for the defence of our country and for the discharge of those obligations which rest upon us by virtue of our partnership in the Commonwealth;
  - (k) to support suitable undertakings for the training, employment and settlement of ex-servicemen and women, and the education of their children;
  - (l) to preserve their statutory, acquired and legitimate rights, and those of their dependents and, in so doing, to offer the Legion's cooperation to those officially charged with the responsibility of administering such rights by federal or other governments;
  - (m) to assist comrades now serving, especially in connection with their return to civil life, and to safeguard the interests of their dependents while they are in service;
  - (n) to assist ex-servicemen to secure not less than the recognized standard rates of wages;
  - (o) to secure adequate pensions, allowances, grants and war gratuities for ex-servicemen and women, their dependents, and the widows, children and dependents of those who are dead, and to labour for honourable provision being made for those who, in declining years, are unable to support themselves;
  - (p) to cooperate with Commonwealth, Empire and Allied associations of similar aims and objects;
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- (q) to establish, organize and regulate provincial and local bodies, or commands and branches in convenient centres throughout Canada and elsewhere;
  - (r) to establish, organize and regulate provincial and local bodies of women for the purpose of assisting the Legion in seeing to the maintenance and comfort of disabled, sick, aged and needy ex-servicemen and women and their dependents, and to cooperate with the Legion in the promotion and carrying out of all aims and objects of the Legion, such a group to be known as a ladies' auxiliary of The Royal Canadian Legion;
  - (s) to acquire, hold, sell or lease real and immovable, personal and movable property;
  - (t) to raise and co-ordinate funds for assisting those mentioned in the preceding paragraphs, to provide for the administration of the Legion and its authorized provincial commands, branches and ladies' auxiliaries, and to see that these and other funds raised for such purposes are applied to those purposes and none other;
  - (u) to act generally on behalf of all those who have served in His Majesty's forces;
  - (v) to encourage, promote, engage in or support all forms of national, provincial, municipal or community service, or any charitable or philanthropic purpose.

5. The governing body of the Legion shall be the dominion convention and when it is not in session the dominion executive council, and the governing body shall have supreme jurisdiction in all matters consistent with the purposes and objects of the Legion, and its decisions on questions of policy and as to the courses of action to be taken in respect thereof shall be authoritative and binding upon all commands, councils and branches.

Governing body

6. (1) The dominion convention may, from time to time, make, repeal, amend or re-enact by-laws and rules consistent with the provisions of this Act for:

By-laws

- (a) defining the terms and conditions of membership in the Legion and the powers of suspension and expulsion of members and the rights, duties and privileges of all classes of members and the assessments and per capita taxes to be paid by members and method of collection thereof, and the issuing of membership cards;
  - (b) the organization, management and administration of the dominion convention;
  - (c) the organization of commands, councils and branches throughout Canada and the setting up of regulations with respect to the manner in which such commands, councils and branches shall conduct their affairs;
  - (d) the setting up of ladies' auxiliaries in connection with commands and branches throughout Canada and the setting out of the powers of such auxiliaries and regulations with respect to the manner in which they shall conduct their affairs;
  - (e) the setting up of provincial conventions for each provincial command and the organization, management and administration of such conventions, and the organization of provincial conventions when such conventions are not in session;
  - (f) defining the jurisdiction of the provincial conventions and provincial executive councils;
  - (g) organizing and setting up branches and commands of the Legion in the United States of America;
  - (h) defining the powers and rights of all commands and branches with respect to the acquiring, holding, mortgaging, pledging, leasing, selling, conveying or disposing of real or personal property;
  - (i) defining the official badges and insignia of the Legion;
  - (j) defining methods of banking, accounting and auditing to be used by commands and branches and defining the person or persons who shall have custody of the
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- (k) authorizing commands and branches to have an individual seal and defining the design of such seal and the person who shall have custody of same;
  - (l) setting up special departments for the protection of particular sections of ex-servicemen or for the carrying on of special work for the benefit of ex-servicemen;
  - (m) setting out the composition and duties of the dominion executive council, save as herein otherwise provided;
  - (n) setting out the composition and duties of the provincial executive councils;
  - (o) assessing and levying per capita taxes and dues to be paid by branches to dominion and provincial commands;
  - (p) authorizing employment of servants and agents by commands and branches;
  - (q) the appointment of committees and the designation of their duties;
  - (r) the appointment, resignation, suspension, functions, duties and remuneration of all officers, servants and agents of the commands and branches;
  - (r.1) the amalgamation of two or more branches and the disposition of their property;
  - (s) the voluntary winding up or dissolution of a command or branch, including the disposition of its property and the surrender of its charter;
  - (t) the revocation of the charter of a branch when its membership falls below a minimum number fixed by-law;
  - (u) the appointment, powers, duties, indemnification and remuneration of trustees where necessary by reason of the revocation or suspension of the charter or the powers of a command, branch or auxiliary or the suspension of

(v) generally for carrying out the purposes and objects of the Legion.

(2) The dominion convention may by resolution authorize the dominion executive council to exercise any of the powers conferred by sub-section (1): Provided that any such authorization may be modified or withdrawn by resolution of any subsequent dominion convention: And provided further that any by-law or rule passed or made under any such authorization, unless ratified and confirmed at the next ensuing meeting of the dominion convention, shall cease to have effect at the close of such convention.

6A. Subject to the approval of the dominion executive council, a provincial convention may, from time to time, make, repeal, amend or re-enact by-laws and rules consistent with the provisions of this Act and necessary or desirable to the organization and administration of its provincial command.

7. (1) A dominion convention shall be held at least once every two years. Provided that with the unanimous consent of all provincial commands a three year interval may be allowed between conventions.

(2) Every branch shall be entitled to send to the dominion convention as representing its members, one delegate for every one hundred members or fraction thereof, but such representation shall be subject to change at any dominion convention with respect only to subsequent conventions.

(3) At a dominion convention in addition to other committees the following committees shall be set up to draft resolutions or reports for submission to the convention:

- (a) committee on resolutions;
- (b) committee on procedure;
- (c) committee on credentials;
- (d) committee on ways and means;
- (e) committee on appeals;

8. The dominion executive council shall consist of such officers and members as are specified from time to time by by-law and the officers with the exception of the immediate past president shall be elected by ballot at the dominion convention in accordance with the procedure adopted by by-law and at such election voting may be by proxy.

9. (1) The primary unit of the Legion shall be the branch and, save as hereinafter provided, each branch shall exercise autonomy with regard to its affairs and shall have power to make by-laws and regulations to govern its activities so long as they are consistent with this Act and by-laws passed under its authority.

(2) Any command or branch may sue or be sued in its own name.

(3) Except as herein otherwise provided, no command shall have any rights in the property of any branch or be liable for any of the debts or obligations of any branch and no branch shall have any right in the property of any command or of any other branch or be liable for any of the debts or obligations of any command or of any other branch.

(4) Except as herein otherwise provided, no provincial command shall have any rights in the property or be liable for any debts or obligations of the dominion command and the dominion command shall not have any rights in the property or be liable for any of the debts or obligations of any provincial command.

(5) Where any branches or commands collect any per capita tax, dues or assessments made by dominion command, such branch or command shall, for such purpose, act only as the agent and trustee of the dominion command and where any branch collects any per capita tax, dues or assessments for a provincial command, such branch shall, for the purpose of such collection, act only as agent or trustee for such provincial command.

Dominion executive council.

Rights of commands and branches.

To sue and be sued.

Assets of branch.

Assets of provincial command.

Collection of dues, etc.

Reservation or suspension of charter by president of provincial dominion command.

(6) The president of the dominion command may, after enquiry and for cause clearly stated, revoke or suspend the charter or powers of any command, branch or auxiliary or suspend any officers thereof and such action is appealable in accordance with by-laws made in this regard.

Suspension of charter by president of provincial command.

(7) The president of a provincial command may, with respect to his command after enquiry and for cause clearly stated, suspend the charter or powers of any branch or auxiliary or any officer thereof, and such action is appealable in accordance with by-laws made in this regard.

Vesting of property in provincial command.

10. (1) The real or personal property of any branch that has been wound up, dissolved or suspended or the charter of which has been revoked or suspended vests in the provincial command of the province wherein the property is situated and only such property is liable for the debts or liabilities of such branch.

No distribution of property to members.

(2) Upon the winding up or dissolution of any branch, the property of that branch shall not be distributed to or for the benefit of the members thereof.

Vesting of property in Dominion Command.

(3) The real or personal property of any provincial command that has been wound up, dissolved or suspended or the charter of which has been revoked or suspended, vests in the dominion command and only such property is liable for the debts or liabilities of such provincial command.

Power to hold and dispose of property.

11. (1) Any command or branch of the Legion may hold, possess or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real or personal property necessary or useful for the carrying out of its purposes and objects, and, subject to subsection (2), may hypothecate, mortgage, pledge, lease, sell, convey or otherwise dispose of such property in any manner.

(2) No branch may, without the consent in writing of the provincial command having jurisdiction over the branch, hypothecate, mortgage, pledge, lease, sell, convey or otherwise dispose of its real or personal property, except in the ordinary and usual course of its activities. Consent of provincial command prior to sale, etc.

12. The dominion and provincial commands and any branch may, as and when required, for the purposes and objects of the Legion: Power to borrow and to invest moneys.

(a) borrow money upon the credit of the respective command or branch;

(b) make, accept, draw, endorse and execute bills of exchange, promissory notes and other negotiable instruments;

(c) issue bonds, debentures, or other securities and pledge or sell the same for such sums or prices as may be deemed expedient;

(d) subject to sub-section 11(2), hypothecate, mortgage, or pledge any real or personal property of the respective command or branch to secure any such debentures or other securities or any money borrowed or any other liability of such command or branch;

(e) invest the funds of the respective command or branch in such manner and upon such securities as it may deem advisable.

13. (1) Subject to provisions of this Act, any command or branch may set up a ladies' auxiliary in connection with and under the control of the respective command or branch. Ladies' Auxiliaries.

(2) Ladies' auxiliaries shall be governed by the by-laws passed by such auxiliaries but such by-laws shall not become effective unless they conform to the purposes and objects of the Legion and only if they have been approved by the respective branch and the provincial command having jurisdiction. By-laws.

Legion to take over assets and assume liabilities of incorporated body.

By-laws.

(2) The by-laws of the said corporate body shall be the by-laws of the Legion until repealed, re-enacted or amended as herein provided.

Trade marks.

15. (1) The following are marks of the Dominion Command, namely,

- (a) the words "Canadian Legion" and "Legion";
- (b) the badge depicted in Schedule I;
- (c) the poppy or representation thereof depicted in Column I of Schedule II and having the colours described in Column II thereof; and
- (d) the ties or representations thereof depicted in Column I of Schedule III and having the colours described in Column II immediately opposite thereto.

Use of mark prohibited.

(2) Except in accordance with the written authority of the Dominion Command, no person shall adopt or use any mark of the Dominion Command or any word, symbol, insignia, regalia or emblem that is confusing with or likely to be mistaken for a mark of the Dominion Command.

Application of Trade Marks Act.

(3) For the purposes of sections 52 and 53 of the *Trade Marks Act*, each of the marks of the Dominion Command is a registered trade mark of the Dominion Command, and a reference in those sections to the *Trade Marks Act* or the provisions of that Act shall be construed as including a reference to this section.