

An Act to Incorporate The Herbert Union Waisenamt

being a Private Act

Chapter 95 of the *Statutes of Saskatchewan, 1919-20*
(effective February 4, 1920).

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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1919-20

CHAPTER 95

An Act to incorporate The Herbert Union Waisenamt

(Assented to February 4, 1920)

Preamble

WHEREAS Jacob M. Wiens, bishop of the Bergthaler Church, a community of the division of Protestants known as Mennonites and Henrick A. Neufeld, Bishop of the Bruderthal Church of Mennonites and Abram B. Wiebe and Cornelius Jacob Andreas who comprise the Waisenamt now in operation in and on behalf of the said communities, have by their petition represented that the members of Mennonite communities largely intrust the administration of their estates and the estates of deceased persons belonging to said Mennonite communities and the care, education and maintenance of orphans and other minors who have not sufficient means of support or maintenance, to a body known as Waisenamt which is elected in accordance with the rules and conditions and with the powers hereinafter set forth;

And whereas the said petition prays that the said Waisenamt may be vested with corporate powers 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 Saskatchewan, enacts as follows:

Incorporation

1 That there shall be, and there is hereby, constituted and established within this province a body politic and corporate under the name of "The Herbert Union Waisenamt" hereinafter called "the Waisenamt," which corporation shall consist of the persons hereinbefore named and such persons as now are or may hereafter from time to time become members thereof in pursuance of the bylaws, rules and regulations of the corporation.

1919-20, c.95, s.1.

Rules and regulations

2 Such corporation shall have full power to make and establish such rules, orders and regulations, not being contrary to the laws of this country nor to this Act, nor to the constitution and statutes of the said the Waisenamt, as shall seem useful and necessary for the conduct and government of the said the Waisenamt and for the superintendence, advantage and improvement of all the property, moveable or immoveable belonging to, or which shall hereafter belong to, the said corporation; and shall have power to take by gift and hold real estate for the Waisenamt subject to the provisions of section 3 hereof.

1919-20, c.95, s.2.

Holding of property

3 The Waisenamt shall have power to own and hold real estate, not exceeding twenty-five thousand dollars in value, for the purpose of providing suitable offices for the transaction of its business, or for other necessary purposes of the corporation, and further, subject to the laws in force in this province, may hold or own real estate of whatever value, which, having been mortgaged to it, may be acquired by it for the purpose of the protection of its investments, and may from time to time, sell, mortgage, lease or otherwise dispose of the same:

Provided that the corporation shall sell any real estate acquired in satisfaction of a debt, whether by mortgage proceedings or otherwise, within seven years, after such acquisition, unless such term is extended by order of the Lieutenant Governor in Council; otherwise such real estate shall revert to His Majesty in right of the Province of Saskatchewan.

1919-20, c.95, s.3.

Bylaws, rules and regulations

4 The said corporation shall have power to make bylaws, rules and regulations, not being contrary to law or to the provisions of this Act, for all purposes relating to and bearing upon the affairs, business, property, management, aims, objects and interests of the said corporation and for the remuneration of the directors and other officers of the corporation, and for the admission or retirement of members of the said corporation, and the said corporation may by its bylaws, determine the persons who shall be members thereof.

1919-20, c.95, s.4.

Acquisition and disposal of property

5 The corporation shall have power from time to time and at all times hereafter to acquire by gift, devise, bequest, transfer, purchase or otherwise, and to hold for the use and benefit of charitable and educational institutions and other purposes within the objects of the corporation, any real or personal estate and may dispose of same or any part thereof by sale, transfer, mortgage, lease, exchange or otherwise and with the proceeds acquire other property or invest same for the benefit of such charitable and educational institutions and purposes.

1919-20, c.95, s.5.

Loans and gifts

6 The profits of the said corporation shall be exclusively used for loans or donations for religious, educational or charitable purposes and to erect and maintain institutions for the care and education of minors who may have no sufficient means of support or maintenance.

1919-20, c.95, s.6.

Directors

7 The property, affairs and concerns of the corporation shall be managed by and the business of the corporation shall be carried on by a board of five directors, three of whom shall be regarded as an advisory committee which said directors shall be elected as follows: the conference of the ministry of said communities shall appoint three members of the advisory committee for a term of three years and the other two of the said directors shall be elected by the members of the said communities in accordance with the rules and regulations of the said corporation.

1919-20, c.95, s.7.

Powers of directors

8 The said board of directors shall have full power and authority to exercise all the powers of the corporation but only in accordance with its bylaws, rules and regulations.

1919-20, c.95, s.8.

Act as administrator and guardian

9 Subject to the provisions of sections 11 and 13 hereof, the Waisenamt is hereby expressly authorised to accept and execute the office of executor, administrator, administrator *de bonis non*, guardian of the person or of the estate or guardian *ad litem* of any minor or lunatic or person of unsound mind, and further may be authorised to take, receive and hold all estates and property, real and personal, which may be granted, committed, transferred, delivered or conveyed to it, with its consent, upon any trust or trusts whatsoever at any time or times by any person or persons or by any court of the Province of Saskatchewan and to administer, fulfil and discharge the duties of such trust or trusts.

1919-20, c.95, s.9.

Courts may appoint administrator or guardian

10 Subject to the provisions of sections 11 and 13 hereof, it shall and may be lawful for any surrogate court, or other court in the province having jurisdiction of the estates and wills of deceased persons, or of the estates of minors, or of other persons under guardianship, to appoint and commission the corporation with its consent, as the executor of any last will and testament, or as trustee of any trust under any will or deed, or as the administrator or administrator *de bonis non*, or with the will annexed of the estate of any deceased person or as guardian of the estate or guardian *ad litem* of any minor or lunatic or person of unsound mind in all cases where, under the laws of this province, such court could lawfully appoint and commission any natural person as such executor, administrator, guardian or trustee, and in all such cases no bond or other security, save as provided by section 12 hereof, shall be necessary to enable the corporation to accept such appointment and trust.

1919-20, c.95, s.10.

Commencement of business

11 The corporation shall not begin business until so authorised by an order of the Lieutenant Governor in Council.

1919-20, c.95, s.11.

Deposit of bond

12 Before such order is made the corporation shall deposit with the registrar of the court of king's bench at Regina one or more bonds totalling twenty-five thousand dollars (\$25,000) in such form as may be approved by the Lieutenant Governor in Council, as security for the due performance of the duties and obligations arising from the exercise of the powers hereby conferred and the Lieutenant Governor in Council shall have power from time to time to demand further security.

1919-20, c.95, s.12.

Powers granted in respect of Mennonites only

13 The power and privileges hereby granted shall be exercised only with respect to the property and estates of persons who are or have been members of and adherents to those communities of Mennonites named in the preamble hereto excepting that it may act as agent for the purpose of investment on behalf of any person in the business of the corporation.

1919-20, c.95, s.13.

Investments

14 Unless specifically authorised to the contrary by the investor in writing, the Waisenamt shall not have power to invest moneys which come into its hands otherwise than in such securities as are authorised by *The Trustee Act*.

1919-20, c.95, s.14.

Protection of property

15 The Waisenamt shall have power to advance moneys to protect any estate, trust or property intrusted to it, and to charge lawful interest for any such advance.

1919-20, c.95, s.15.

Report to Lieutenant Governor

16 The said Herbert Union Waisenamt shall from time to time make reports to the Lieutenant Governor in Council in such manner and containing such information as may be required by Order in Council.

1919-20, c.95, s.16.

Number of directors may be increased

17 The directors shall have power to enlarge the number of the advisory committee and directors by bylaw permitting the conference of ministers and members of any Mennonite community not above named, to appoint a member of the advisory committee and a director respectively, as provided in section seven (7), subject to the approval of such bylaw by the Lieutenant Governor in Council.

1919-20, c.95, s.17.