

The Briercrest College and Seminary Act

being

Chapter 101 of the *Statutes of Saskatchewan, 1939* (effective April 1, 1939) as amended by the *Statutes of Saskatchewan, 1955, c.90; 1972, c.155; 1973-74, c.131; 1981-82, c.4; 1986-87-88, c.02; 1995, c.01; and 2008, c.01.*

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.

Table of Contents

- 1 Incorporation
 - 1.1 Corporation continued under new name
 - 1.2 Corporation continued under new name
 - 1.3 Corporation continued under new name
- 2 Powers
- 3 Bylaws and regulations
- 4 Head office
- 5 Use of revenue
- 6 Management
- 7 Chairman's casting vote
- 8 First board of directors
- 9 Liability of members for debts of corporation
- 10 Partial exemption from taxation

Editorial Appendix

1939

CHAPTER 101

An Act to incorporate Briercrest College and Seminary

WHEREAS an association has existed for some time in the Province of Saskatchewan, under the name of "The Briercrest Bible Institute" having for its object the establishment of a school for training men and women in a thorough and practical knowledge of the Bible, in theology and in sacred music, all for the work of the Christian ministry; and any form of Christian activity, to meet the need of Evangelical bodies for trained workers in Canada as well as in the home and foreign missionary work in general; and

WHEREAS Sinclair Whittaker, Merchant, Andrew Glen, Farmer, and Reverend Henry Hildebrand, Teacher, all of the Village of Briercrest, in the Province of Saskatchewan, by their petition have prayed for an Act incorporating them and such others as are now or may hereafter be associated with them in the said institute; and

WHEREAS the petition presented in their names prays that the institute may be vested with powers; and

WHEREAS it is expedient to grant the prayer of the said petitioners:

THEREFORE HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Incorporation

1 Sinclair Whittaker, Merchant, Andrew Glen, Farmer, and Reverend Henry Hildebrand, Teacher, all of the Village of Briercrest, in the Province of Saskatchewan, and such others as are now or shall hereafter from time to time become under the provisions of this Act members of the corporation shall be and are hereby constituted a body corporate and politic under the name of The Briercrest Bible Institute, for the purposes and objects aforesaid.

1939, c.101, s.1; 1973-74, c.131, s2; 1981-82, c.4, s.2.

Corporation continued under new name

1.1 The corporation incorporated pursuant to section 1 as The Briercrest Bible Institute is continued as the Briercrest Bible College and all of the property, assets, rights, credits, effects, liabilities and obligations of The Briercrest Bible Institute belong and attach to the Briercrest Bible College, hereinafter referred to as "the corporation".

1981-82, c.4, s.3.

Corporation continued under new name

1.2 The corporation continued pursuant to section 1.1 as The Briercrest Bible College is further continued as Caronport Schools, and all of the property, assets, rights, credits, effects, liabilities and obligations of Briercrest Bible College belong and attach to Caronport Schools, hereinafter referred to as “the corporation”.

1995, c.01, s.4.

Corporation continued under new name

1.3 The corporation continued pursuant to section 1.2 as Caronport Schools is further continued as Briercrest College and Seminary, and all of the property, assets, rights, credits, effects, liabilities and obligations of Caronport Schools belong and attach to Briercrest College and Seminary, hereinafter referred to as the ‘corporation’.

2008, c.01, s.4.

Powers

2 In addition to the powers, rights and privileges conferred upon or vested in corporations by the laws of Saskatchewan, the corporation shall have full power and authority:

Acquisition of property

(a) to acquire by gift, devise, purchase, exchange, lease or otherwise real or personal property, of any and every nature and kind whatsoever and to possess, hold and enjoy same as owner;

Disposal of property

(b) to sell, mortgage, lease, exchange or otherwise deal with or dispose of its real and personal property or any portion of either and with the proceeds thereof to acquire other real and personal property to such extent as may be deemed advisable or desirable, and to make and execute all necessary and proper conveyances, transfers or other instruments for carrying the same into effect;

Investments

(c) to invest all or any sums of money belonging to the corporation in any property or security whatsoever for the use and purposes of the corporation;

Acquisition of pledged property

(d) to acquire, take possession of and hold as the corporation may deem proper all such property (real, personal or mixed) as may at any time be mortgaged, hypothecated or pledged to the corporation by way of security or conveyed to it in satisfaction of obligations or debts due or owing to it from any person, firm or corporation;

Borrowing

(e) to borrow from any person, firm or corporation such sum or sums of money as may be found necessary for the purposes of the corporation and to secure any loan to the lender or lenders by bonds, debentures, bills of exchange, promissory notes, mortgages or any other instrument or instruments that may be required or deemed necessary or advisable by the lender or lenders;

Erection of buildings

(f) to acquire by purchase or otherwise, build and erect and to manage and conduct all such halls, houses and other buildings as may be found or deemed necessary or convenient for carrying on the objects of the corporation;

Fees

(g) to fix, charge and collect fees for any services rendered by the corporation;

Affiliation

(h) to make and enter into treaties, contracts and arrangements for affiliating with the corporation any other corporation or other body having similar objects;

Branches

(i) to form and establish branch institutions and establish as such any existing society, institution or association having objects similar in whole or in part to those of the corporation and all cases subject to such conditions and regulations as the corporation may deem expedient;

General powers

(j) to do all such other matters and things as it may deem necessary for carrying out its purposes;

(k) to award certificates, diplomas and degrees which may be deemed necessary or useful for carrying into effect the object and purposes of the corporation.

1939, c.101, s.2; 1972, c.155, s.1; 1973-74, c.131, s.3.

Bylaws and regulations

3 The board of directors shall have full power from time to time to adopt or make any alterations in or vary bylaws and regulations touching and concerning the admission and control of members, the elections of directors, the time and place of holding the meetings, notices thereof, the procedure thereat, and the good order and government of the said school and branches, and such bylaws and regulations when reduced to writing and after the common seal of the corporation has been affixed thereto shall be binding upon all persons, members thereof.

1939, c.101, s.3.

Head office

4 The head office of the corporation shall be at Caronport, Saskatchewan.

1939, c.101, s.4; 1973-74, c.131, s.4.

Use of revenue

5 The revenues, issues and profits of all property held by the corporation shall be applied to the maintenance of the institutions carried on by it, to the construction and repairs of buildings and the acquisition of property requisite for its purposes, and to promotion of charity and benevolence.

1939, c.101, s.5.

Management

6(1) The corporation shall be managed and administered by the president, vicepresident, secretary treasurer and board of directors, to be known as ‘The Board of Directors of Briercrest College and Seminary’.

(2) All questions at meetings of The Board of Directors of Briercrest College and Seminary are to be decided by a majority of votes.

2008, c.01, s.5

Chairman’s casting vote

7 The chairman shall not vote, except in the case when a casting vote is necessary.

1939, c.101, s.7.

First board of directors

8 The persons named in section 1 shall constitute the first board of directors under this Act, and shall hold office until their successors are appointed or further members are added thereto as hereinbefore provided.

1939, c.101, s.9.

Liability of members for debts of corporation

9 No member or officer of the school or any of its branches or of the corporation shall be liable for the debts thereof, beyond the amount of his annual membership fee remaining unpaid.

1939, c.101, s.9.

Partial exemption from taxation

10 All lands and buildings owned by the corporation that are situated within the boundaries of the organized Hamlet of Caronport, or of any village or town into which that hamlet is incorporated, and that are used by the corporation for religious, education and moral training purposes are exempt from the payment of 80% of the taxes levied on them by the appropriate taxing authority on the basis of the annual assessment and mill rate.

1986-87-88, c.02, s2.

Editorial Appendix

Section 6 of *The Briercrest College and Seminary Amendment Act, 2008*, S.S. 2008, c.01, allows for the following Transitional application:

“Transitional

6(1) Upon the coming into force of this Act:

- (a) the property of Caronport Schools as it existed on the day before this Act comes into force continues to be the property of Briercrest College and Seminary;

(b) Briercrest College and Seminary continues to be liable for the obligations of Caronport Schools as it existed on the day before this Act comes into force;

(c) any existing cause of action, claim or liability is not affected by the enactment of this Act and any existing cause of action, claim or liability continues to apply to Briercrest College and Seminary notwithstanding the enactment of this Act;

(d) a civil, criminal or administrative action or proceeding pending by or against Caronport Schools as it existed on the day before this Act comes into force may be continued to be prosecuted by or against Briercrest College and Seminary;

(e) a conviction against, or ruling, order or judgment in favour of or against Caronport Schools as it existed on the day before this Act comes into force may be enforced by or against Briercrest College and Seminary;

(f) the bylaws of Caronport Schools that were in force on the day before this Act comes into force continue as the bylaws of Briercrest College and Seminary until replaced or amended by the corporation pursuant to this Act; and

(g) a person who is a member of the board of directors of Caronport Schools on the day before this Act comes into force continues as a member of the board of directors of Briercrest College and Seminary until the earlier of the following dates:

(i) the date members of the board of directors are elected to the board pursuant to this Act and the bylaws; and

(ii) the date the person dies, resigns or otherwise ceases to be a member of the board of directors.

(2) If a will, within the meaning of *The Wills Act, 1996*, made before or after the coming into force of this Act, that is probated after the coming into force of this Act directs that assets be given to Caronport Schools, the assets that would have been given to that entity are to be given to Briercrest College and Seminary.

(3) Notwithstanding any other Act or law, on and from the coming into force of this Act, a reference to Caronport Schools in a will, bequest or gift is deemed to be a reference to Briercrest College and Seminary”.

