

An Act to incorporate The Frobisher Union Church

being a Private Act

Chapter 75 of the *Statutes of Saskatchewan, 1913*
(effective December 19, 1913).

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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1913

CHAPTER 75

An Act to incorporate The Frobisher Union Church

(Assented to December 19, 1913)

Preamble

WHEREAS an organisation under the name of "The Frobisher Union Church" has existed for some time having for its object the spiritual, mental, physical and social welfare of the residents of Frobisher and the surrounding district and the promotion of Christian work therein, and is governed by a constitution, rules and bylaws which have received the assent of the members of the said church:

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

Incorporation

1 C.S. Chappell, Wm. Deyell, H. Deyell, F. Deyell, R.R. Deyell, L.S. Downer, J.B. Ewan, J. Forsyth, A.A. Hurd, C.T. Lapp, R.A. Lee, Chas. Manns, W.N. McElroy, J. Mulligan, Wm. Murray, S. McKnight, T.A. Munroe, A.E. Sherwin, G.M. Trotter, W.H. Trotter, R.L. Vance and J.T. Wood, and all such other persons as are now or shall hereafter become members of the said church shall be and they are hereby constituted a body politic and corporate under the name of "The Frobisher Union Church" and by that name shall have perpetual succession and a common seal and shall have power from time to time and shall at all times hereafter be able and capable to acquire and hold real estate in the village of Frobisher or any leasehold or other interest therein, provided that the annual value of the real estate so acquired or held and not actually used for the work of the said church does not exceed at any one time five thousand dollars (\$5,000) and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise charge or dispose of or incur whensoever the said corporation shall deem it proper so to do.

1913, c. 75, s. 1.

Not to trade in real estate

2 Nothing herein contained shall authorise the said corporation to engage in the business of trading in real estate.

1913, c. 75, s. 2.

May receive gifts and bequests

3 The said corporation may receive and accept any devises, gifts and bequests as may be made by and received from any corporation or person or persons whatever for the sole use and benefit of the said church.

1913, c. 75, s. 3.

Constitution and bylaws

4 The constitution, rules and bylaws of the church, being the constitution, rules and bylaws adopted by the church prior to its incorporation and under which the church has since been conducted are and shall continue to be the constitution, rules and bylaws of the said church and shall have full force and effect in so far as the same shall not be inconsistent with the laws in force in the Province of Saskatchewan and with provisions of this Act:

Provided always that the said church may from time to time add to, change, alter and repeal such constitution, rules and bylaws in the manner therein stated.

1913, c. 75, s. 4.

Membership and officers

5 The members of the church shall continue to be the members thereof and the officers of the church, except the trustees, shall continue to hold office in the manner provided by and subject to the constitution, rules and bylaws of the said church and in addition to the officers already appointed the said corporation shall on the passing of this Act appoint a president and a vice president who shall hold office until the next annual meeting of the corporation when their successors shall be elected in the manner provided in the constitution, rules and bylaws for the election of the officers of the said church.

1913, c. 75, s. 5.

Contracts, negotiable instruments, etc.

6(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn and accepted and every promissory note and cheque made or drawn on behalf of the said corporation by the president, vice president and treasurer of the corporation or any two of them in general accordance with their powers as such under the constitution, rules and bylaws of the church shall be binding upon the corporation; but promissory notes or cheques payable to the order of the corporation may be indorsed by any one of these officers and in no case shall it be necessary to have the seal of the corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in pursuance of any special bylaw or special vote or order; nor shall the party so acting within his authority as agent, officer or servant of the corporation by thereby subjected individually to any liability whatsoever in respect thereof.

No note to be circulated as money or as the note of bank

(2) Nothing in this section shall be construed to authorise the corporation to issue any note payable to the bearer thereof or any promissory note intended to be circulated as money or as the note of a bank.

1913, c. 75, s. 6.

Shall take over property and assume all liabilities

7 One the passing of this Act the said corporation shall take over and become possessed of the property held by the trustees of the Frobisher Union Church prior to its incorporation and shall take over and assume any and all liabilities of and contracts entered into by the church or by any person or persons on behalf of the church and the said corporation shall be deemed to have been an original party to such liabilities or contracts.

1913, c. 75, s. 7.

Personal property to be vested in the corporation

8 The personal property of the church shall become and is hereby vested in the said corporation.

1913, c. 75, s. 8.

The minister to have the privileges of an ordinary clergyman

9 The person appointed minister by the corporation of the Frobisher Union Church whether such person is a member of any particular denomination or not shall by virtue of and during the term of such appointment have the right to solemnise marriages and to perform any civil functions which may pertain to the office of a clergyman in the Province of Saskatchewan.

1913, c. 75, s. 9.

Conditions re any sale of property to any religious denomination, etc.**Claims of objecting subscribers to be satisfied**

10(1) No sale or other disposition of the property of the corporation shall be made either directly or indirectly to any religious denomination during the lifetime of the present subscribers unless the subscribers whether they have accepted the religious tenets of the church or not who object to such sale or other disposition of the property are paid the full amount of their subscriptions to the said property; and should the property have increased in value since such subscriptions were paid then such objecting subscribers their proportionate share of the increased value of the property and no such sale or other disposition of the property is to be legally effected until the claims of the objecting subscribers are satisfied.

Who are to be considered objecting subscribers

(2) A subscriber is to be considered as objecting to the sale or other disposition of the property as set forth in this section if he votes either in person or by proxy as set forth in this section if he votes either in person or by proxy against such sale or other disposition of the property at a meeting called for the purpose of considering such sale or other disposition of the property of which at least four months' notice has been given to each subscriber by registered letter mailed to his or her last known address:

No sale to be made under this section for a lesser amount than the actual cost of the property

Provided always that no sale or other disposition of the property as set forth in this section shall be made for a lesser amount than the actual cost of the property and that when the claims of objecting subscribers are satisfied the balance of the proceeds of such sale or other disposition of the property shall be vested in the council of the village of Frobisher, in trust, for such purposes as are set forth in subsection (2) of section 11 of this Act.

1913, c. 75, s. 10.

Property to be maintained by corporation after death of present subscribers

11(1) The property is to be maintained by the corporation after the death of the present subscribers for the purposes set forth in this Act; but the corporation may at any and all times thereafter if the said corporation deems it expedient to do so sell the whole or any part of the property at not less than its actual value, provided that the total proceeds of such sale are used with no unnecessary delay to provide other property which the said corporation considers to be more suitable for the work of the church in Frobisher.

If services are not maintained how property is to be disposed of

(2) Should the corporation at any time after the death of the present subscribers fail to maintain the services of the church during an interval of one year then all the property owned by the said corporation shall be vested in the council of the village of Frobisher, in trust, for the purposes of a hospital or some other benevolent object for the benefit of all the residents of Frobisher and district, and any person or persons appointed by the said council or its representatives to administer the said property or any person engaged by the said council or its representatives as an employee in connection with the said property shall be of the Protestant Faith.

1913, c. 75, s. 11.