

An Act to Incorporate the Mennonite Union Waisenamt

being a Private Act

Chapter 39 of the *Statutes of Saskatchewan, 1917*
(effective March 10, 1917) as amended by the *Statutes of
Saskatchewan, 1936, c.121; 1968, c.94; and 1974-75, c.66.*

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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1917

CHAPTER 39

An Act to incorporate The Mennonite Union Waisenamt

(Assented to March 10, 1917)

Preamble

WHEREAS Peter Regier and David Toews, Bishops, of the Rosenort Church, a community of the division of Protestants known as Mennonites, and Wilhelm Rempel and Abraham Funk, who comprise "The Waisenamt" now in operation in and on behalf of the said Rosenort community, and David Dyck, Bishop, and Isaak Neufeld, a member of the Church of Bruderfeld Mennonite Brethren, and Peter Schultz, Bishop, and Abraham P. Dickman, a member of the Bruderthal Church of Mennonites, 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 the said Mennonite communities to a body known as "The Waisenamt," which is elected in accordance with the rules and conditions and with the powers hereinafter set forth;

And whereas the communities of Mennonites above named desire to unite in one such administrative body to be known as "Mennonite Trust Ltd.":

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 "Mennonite Trust Ltd.", hereinafter called "the corporation", 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.

1917, c.39, s.1; 1968, c.94, s.3.

Powers, 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 Waisenamt as shall seem useful and necessary for the conduct and government of the said Waisenamt and for the superintendence, advantage and improvement of all the property, moveable or immovable, 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.

1917, c.39, s.2.

Real estate

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.

1917, c.39, s.3.

Vesting of assets and liabilities

3A The real and personal property, assets, rights, credits and effects of every description of The Mennonite Union Waisenamt are hereby declared to be vested in the corporation which shall assume and be subject to the same liabilities, debts, duties and obligations as The Mennonite Union Waisenamt.

1968, c.94, s.4.

Further powers regarding 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.

1917, c.39, s.4.

Application of profits

5 The said corporation shall have power from the profits of its business to loan or donate such sums from time to time as to it may seem best, for religious, educational or charitable purposes connected with the various Mennonite communities.

1917, c.39, s.5.

Directors

6 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 six directors, three of whom shall be regarded as an advisory committee, which said directors shall be elected as follows:

General Conference of Mennonites of Saskatchewan, Mennonite Brethren Churches of Saskatchewan and Evangelical Mennonite Brethren of Canada (Saskatchewan Section) shall each appoint one member of the advisory committee for the term of three years and shall each elect one director in accordance with the rules and regulations of the said churches.

1917, c.39, s.6; 1968, c.94, s.5.

Powers of directors

7 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.

1917, c.39, s.7.

Power to act as executor, trustee, etc.

8 Subject to the provisions of section 10 hereof the Waisenamt is hereby expressly authorised to accept and execute the office of executor, administrator, administrator *de bonis non*, guardian 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.

1917, c.39, s.8.

Same

9 Subject to the provisions of section 10 hereof it shall and may be lawful for any surrogate court, or other court in this 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 and 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 11 hereof, shall be necessary to enable the corporation to accept such appointment and trusts.

1917, c.39, s.9.

Commencement of business

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

1917, c.39, s.10.

Bond required

11 Before such order is made the corporation shall deposit with the registrar of the supreme court of Saskatchewan at Regina one or more bonds for such sum and 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, notwithstanding anything contained in *The Trust Companies Act*, the corporation shall not be and shall be deemed never to have been required to furnish security other than that which has been or may be furnished under this section.

1917, c.39, s.11; 1936, c.121, s.2.

12 Repealed. 1974-75, c.66, s.1.**Applicability of *The Trustee Act* and *The Trust Companies Act***

13 The Waisenamt in the execution of any trusts assumed under the powers contained in this Act, shall have, in addition to the powers, rights and privileges conferred by this Act, all the powers, rights and privileges conferred, and all the duties and liabilities imposed upon trustees, executors and administrators of estates under the provisions of *The Trustee Act* and any amendments thereto. Except as herein otherwise provided the provisions of *The Trust Companies Act* specified in section 4 of that Act shall apply to the Waisenamt.

1917, c.39, s.13; 1936, c.121, s.3.

Investments

14 The Waisenamt shall have power and is hereby authorised to invest such moneys as may come into its hands upon such securities as are authorised by *The Trustee Act*, with power to advance moneys to protect any estate, trust or property intrusted to it, and to charge lawful interest upon any such advances.

1917, c.39, s.14.

Reports required

15 The corporation 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.

1917, c.39, s.15; 1968, c.94, s.6.

Size of advisory committee

16 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 six (6), which bylaw shall be approved by the Lieutenant Governor in Council.

1917, c.39, s.16.